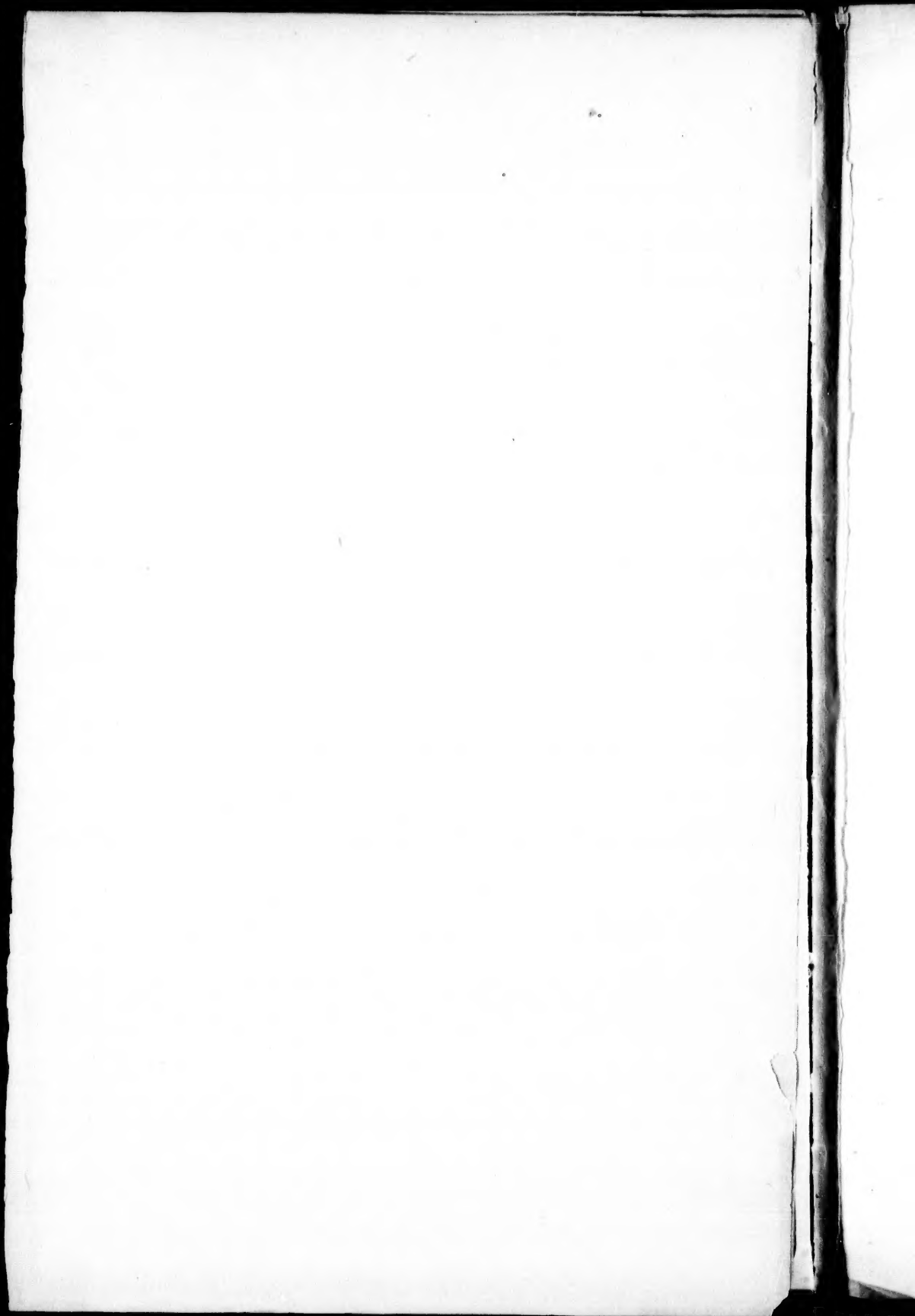




PF
34

2.1.1839

MINUTES OF EVIDENCE

TAKEN UNDER THE DIRECTION OF A

GENERAL COMMISSION OF ENQUIRY.

FOR

CROWN LANDS AND EMIGRATION,

APPOINTED ON THE 21ST JUNE, 1838,

BY

HIS EXCELLENCY THE RIGHT HONORABLE

THE EARL OF DURHAM,

HIGH COMMISSIONER,

AND

GOVERNOR GENERAL OF HER MAJESTY'S COLONIES

IN

NORTH AMERICA.

CHARLES BULLER ESQUIRE, M. P. CHIEF COMMISSIONER.

RICHARD DAVIES HANSON, ESQUIRE, ASSISTANT COMMISSIONER.

CHARLES FRANKLIN HEAD, ESQUIRE, DO. DO.

HON. HENRY PETRE, SECRETARY.

QUEBEC—LOWER CANADA:

Printed by J. C. FISHER and WILLIAM KEMBLE, Printer to Her Most
Excellent Majesty the Queen.

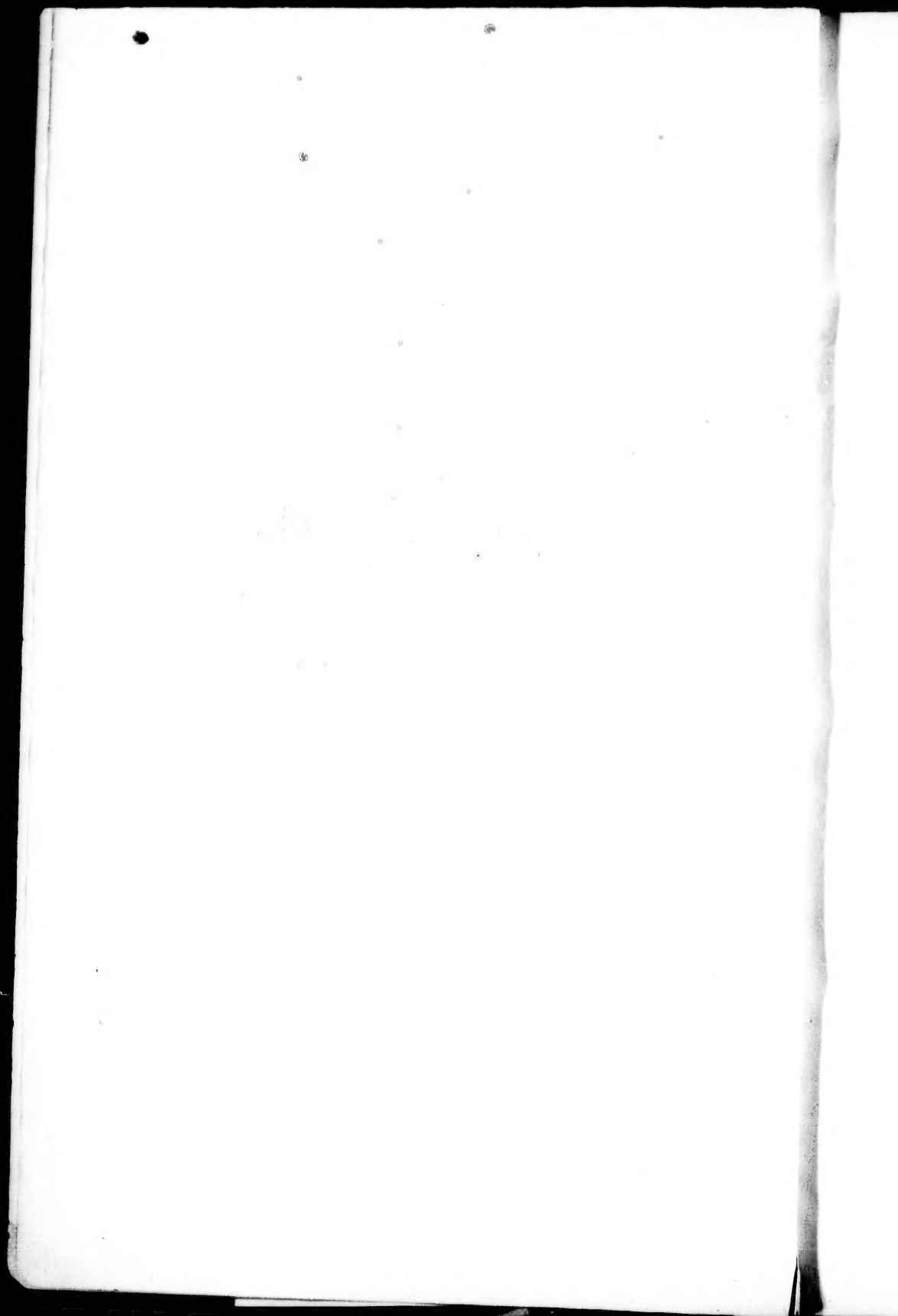
1839.

HD
314
A23

B749

EVIDENCE.

LOWER CANADA.



EVIDENCE.

John Davidson, Esquire, one of the Commissioners of Crown Lands in Lower Canada.

When were you appointed to your present office ? In October 1837.

What were your opportunities before that appointment of acquiring information as to the state of the Crown property in this Province ? I was appointed Surveyor General of Woods and Forests, in 1827 ; in 1830, that office was abolished, and the duties were to be performed by Mr. Felton, the Commissioner of Crown Lands ; the Government offered me a retiring allowance till I could be provided for ; not wishing to receive this without an equivalent, I offered my services to assist Mr. Felton. That offer was accepted, and I remained as such Assistant till his suspension, in August, 1836, when I was put in charge of the department.

You have, therefore, been constantly engaged in the department of Crown Lands during the last eight years ? I have.

Of what does the landed property of the Crown in this Province consist ? All the estates which were held by the King of France at the time of the conquest, which may be arranged as follows :

1st. Certain fiefs in the city of Quebec and town of Three Rivers, whereof the censitaires hold immediately under the crown.

2nd. The Forges of St. Maurice, which were established by the old French government, and have been let for different terms to private persons.

3rd. The King's trading posts, which signifies that portion of the Province of Lower Canada between the settled lands on the North bank of the river St. Lawrence, and the land held under the charter of the Hudson's Bay Company, and which tract is held by that company, under a lease, that licenses to them the sole right of hunting, fishing and trading in that territory. This lease expires in 1842.

4th. The King's Wharves in Quebec, which were originally formed by the old French Government, and have been improved by the British Government, and are now let upon lease to individuals.

5th. The estates held at the time of the conquest by the late order of the Jesuits, which, upon the extinction of that order in the Province, were reserved by the Crown, and which consist of extensive seigniories, and other property, including buildings in the city of Quebec, and the town of Three Rivers.

6th. All the beaches and water lots upon all navigable rivers. The beaches consist of the land on both sides of the river, between the high and low water mark, and the water lots extend from the low water mark into deep water.

7th. The whole of the waste and unappropriated land within the Province. In addition to this the Crown is entitled to a mutation fine upon the sale of seigniories, varying from the Maille D'or, which is a nominal acknowledgement, to one fifth part of the purchase, which is the more common fine, and payable in either case before the seignor is permitted to perform fealty and homage.

What part of this property is under the control of your department ? Under instructions from the Treasury, dated November, 1826, by which the office of Commissioner of Crown Lands was created, the property placed under his control consisted of the waste lands which have not been surveyed or laid out ; waste lands which have been surveyed and laid out, but of which no part has been granted ; ungranted lands and Crown reserves in districts, where grants have been made ; lands which have been granted in perpetuity upon payment of Quit Rents or other Rents ; leases and reserves which have been granted upon leases for series of years upon reserved rents or otherwise. Practically the Commissioners of Crown lands has not had any superintendence of any land which has been granted in perpetuity upon payment of quit rents or other rents.

Under whose management then is the land so granted in perpetuity upon the payment of quit rents or otherwise ? The Inspector of the King's domain.

Then in respect to the property in question, the Treasury order of November, 1826, has not been observed ? The local Government have not considered the order to apply to that property.

But the property is specifically named, is it not, in the Treasury order ? It appears so.

Under whose superintendence are those portions of the Crown property which are not contained in the Treasury order of November, 1827 ? The Jesuit Estates which have been placed at the disposal of the Provincial Legislature for the purpose of Education, are under the superintendence of a Commissioner called the Commissioner of the Jesuit Estates. The fiefs in the city of Quebec and the town of Three Rivers, as well as the fines upon the alienation of seigniories are under the superintendence of the *Groffier du papier terrier*.

What is the name of the gentleman holding that appointment ? The Honorable F. W. Primrose.

Is he not also inspector of King's domain ? Yes.—Neither the forges of St. Maurice, the King's trading posts, nor the King's wharves, are to my knowledge under any special superintendence, but the administration of this property rests with the Governor and Council, who re-let the forges and wharves whenever a lease expires, and determine applications for beach and water lots.

Has any particular office the charge of preventing encroachments upon the beaches and water lots ? Not that I am aware of.

In what way can such an encroachment be removed ? I believe by indictment for a nuisance.

At whose expense ? Generally at the expense of the private prosecutor.

Are you aware of the mode in which the lands of the Crown were originally disposed of by the French Government ? I understand that they were granted in fief and seignior. The most intelligible way of expressing it, would be, that manors were created, containing from nine to thirty-six square leagues, and were granted to individuals, to be by them surveyed and subdivided, and conceded to whoever might apply for the same, upon certain conditions of settlement and service, and the payment of a small fixed quit rent, and a fine upon alienation amounting to one-twelfth of the purchase ; with a further privilege of *banalité* or the right of compelling all the censitaires or copy-holders to grind their corn at his mill, paying 1-14th for grinding. The seignior has also the right of reserving to himself such a

*the com
appears to
that the
a remedy
9111111*

your department ?
 1826, by which
 the property
 which have not been
 surveyed and laid
 lands and Crown
 lands which have
 or other Rents ;
 cases for series of
 the Commissioners
 y land which has
 or other rents.
 ated in perpetuity
 e Inspector of the

treasury order of
 Government have

the Treasury order ?

the Crown property
 per, 1827 ? The
 of the Provincial
 superintendence
 it Estates. The
 as well as the
 superintendence of

pointment ? The

ther the forges of
 arves, are to my
 administration of
 re-let the forges
 e applications for

coachments upon

I believe by in-

the private prose-

the Crown were
 understand that
 illigible way of
 ining from nine
 individuals, to
 to whoever
 settlement and
 ad a fine upon
 with a further
 the censitaires
 ng 1-14th for
 himself such a

portion of land as he might choose to cultivate, in the immediate neighbourhood of his dwelling house as domain land, but was bound to concede all the rest upon application. The service to be performed by the copy holders were *corvées* or labors for the benefit of the seignior in his domain or at his mill, for which, whenever it was exacted, an allowance was made in the abatement of the rent.

What has been the amount of land granted upon this tenure ? Eleven million arpents, or about 9,429,000 acres.

What proportion of these seigniorial grants have been conceded by the seigniors ? Rather more than 5,000,000 arpents, or 4,300,000 acres.

Then there remains unconceded nearly 6,000,000 arpents ? Yes, but this includes the barren island of Anticosti, which contains 1,800,000 arpents, and the mountainous land at the back of the settled parts of the seigniories to the north of the St. Lawrence.

Can you give an account of the different modes in which since the conquest, waste lands the property of the crown, have become the property of individuals ? There have been at least seven different modes pursued at different times. From the acquisition of the Province in 1763, up to about 1775, land was granted under instructions from the Crown framed in England under location tickets in free and common socage. These location tickets were of a military character, confined principally to the district of Quebec ; some are on record for the district of Gaspé, but generally speaking they contain provisos authorizing the Crown to resume for military purposes. I have no means of ascertaining how much land was disposed of under these regulations, since a considerable portion of the land so granted was subsequently included in the Province of Upper Canada. In 1775 these instructions appear to have been superseded by instructions from the Home Government, which directed that all lands then or thereafter to be subject to the disposal of the Crown, should be granted in fief and seignior, in like manner as was practised antecedent to the conquest, but omitting any reservation of judicial powers. Under these instructions, three seigniories appear to have been granted. These instructions appear to have been modified in 1786, by instructions to Lord Dorchester, whereby it was ordered that grants should be made to Emigrant U. E. Loyalists and to disbanded soldiers ; and further that grants should be made to the officers and privates of the 84th Regiment of Foot, in the following proportion :

To Field Officers.....	5,000 acres,
To Captains.....	3,000 "
To Subalterns.....	2,000 "
To Non-Commissioned Officers	200 "
To Privates.....	50 "

These grants to be held under the Crown as seignior, and subject to all the seigniorial duties. I believe that very little, if any thing, was done under these instructions to Lord Dorchester, for the Emigrant Loyalists and soldiers objected to the feudal tenures, and accordingly the Local Government appear to have reverted to the system of location tickets established under the instructions of 1763, and which had been suspended by those of 1775. After the passing of the Constitutional Act of 1791, lands were granted by patent to leaders of townships and their associates. Under this system, 1,200 acres were granted to the leader, and 1,200 to each of his associates, it being quite notorious that in many cases the whole and in none less than 1000 acres were immediately conveyed by

*this would
 appear to be
 the land of the
 & the seignior
 9 million*

each associate to the leader. This system was pursued till about the year 1806, when a greater degree of vigilance was observed. Partial grants to the extent of 200 acres were made to individuals between that year and 1812, when the American war was commenced. Between 1814 and 1818, little land was granted, and in the latter year a system was introduced of granting lots under location tickets containing specific duties of settlement. This system was superseded by instructions from the Treasury, dated November, 1826, which instructions established a system of sale, but permitted exceptional grants. That part of these instructions which established the mode of payment for land sold, and permitted exceptional grants, was superseded by instructions from Lord Goderich in 1831; which instructions, however, were not acted upon; the former mode of selling having been continued, with the sanction of the Local Government. In 1837, instructions were received from Lord Glenelg, requiring payment of the full amount of the purchase money at the time of sale, by which instructions my office is now regulated. Besides these different systems, the Home Government has retained an authority to make exceptional grants, and has frequently exercised it; as in the case of certain executive councillors, member of the land boards, to each of whom the Duke of Portland ordered a grant of a quarter of a township, or nearly 12,000 acres, the grant of nearly 50,000 acres to Sir R. S. Milnes, formerly Governor of the Province; a grant to Mr. Felton, an emigrant from England, who brought the order with him, of 5,000 acres positively, and 5,000 more conditionally; and unconditional grants to some other persons who accompanied him; the instructions to the Duke of Richmond, (of which no copy is extant in the colony) by which grants of land were directed to be made to such persons as had served in the embodied militia: the free grants of land to officers and privates who had served in the British army, and the remission of purchase money to an equivalent amount, which was afterwards substituted for the grant of land; and, lastly, the order of Lord Goderich in 1832, directing a free grant of land to military pensioners, who had commuted their pensions. The Canada Tenure Act formed another exception, as the commutation of seigniority was equivalent to a free grant to the seignior of all the unceded land within its limits. There was also an exceptional sale of a very considerable tract of land to the British North American Land Company.

Be so good as to describe the system of granting land on location tickets which prevailed from 1763 to 1775? These grants were as I have mentioned of a military character. I do not find that they were subject to any other condition than that of a right of resumption by the Crown, if the land was required for military purposes; they were granted chiefly under the authority of land boards who decided upon applications.

What was the system of leaders and associates? The leader of a township having collected as many signatures to a petition as would make up the quantity that he required, (being for a whole township, or 48,000 acres, 39 signatures of associates, and for any smaller quantity in a like proportion, no less than a quarter of a township having been applied for under this system,) lodged his application at the Governor's office.—It was then referred to the Executive Council. The application being recommended by the Council, and approved by the Governor, an order issued to the Surveyor General to survey the tract applied for; the return to that order being made, the Attorney General was instructed to prepare the draft of the letters patent, which were engrossed by the Pro-

till about the year
 1. Partial grants
 been that year and
 between 1814 and
 system was intro-
 specific duties of
 ns from the Trea-
 nished a system of
 these instructions
 and permitted ex-
 Lord Goderich in
 upon; the former
 ction of the Local
 n Lord Glenelg,
 money at the time
 d. Besides these
 ed an authority to
 as in the case of
 to each of whom
 township, or nearly
 Milnes, former-
 a emigrant from
 es positively, and
 me other persons
 Richmond, (of
 ants of land were
 embodied militia:
 served in the
 to an equivalent
 of land; and,
 ee grant of land
 The Canada
 on of seigniori
 unconceded land
 very consider-
 npany.
 on location tick-
 were as I have
 y were subject
 by the Crown,
 granted chiefly
 cations.
 eader of a town-
 would make up
 up, or 48,000
 tity in a like
 een applied for
 nor's office.—
 lication being
 ernor, an order
 for; the re-
 s instructed to
 d by the Pro-

vincial Secretary, and after being audited by the Auditor of land patents, passed the great seal. The grant was of 1,200 acres to each one of the body of applicants.

How did the applicants divide the land granted? I doubt whether any division ever took place.

Did they then hold the property in common? No, but each associate conveyed his 1,200 acres to the leader.

What was the consideration for these conveyances? It might almost be said that there was in fact no consideration. The whole was a plan devised for the purpose of eluding the instructions from the Home Government, under which no person could obtain a grant of more than 1,200 acres. The associates were persuaded to sign their names to the petition, not with any expectation of obtaining land, but on a promise of some small sum for their trouble. At the time of signing the petition, an agreement was signed by the parties, (the original draft of which it is said was prepared by the then Attorney General,) by which each associate bound himself to convey to the leader from 1,000 to 1,160 acres, in consideration of the trouble and expense of procuring the survey and grant. This conveyance was accordingly made, and afterwards the remaining 100 or 200 acres were conveyed by the associates, for one or two guineas, as the case might be, which was the real consideration for their share in the transaction.

Do you really imagine that the Executive Council, by whom these grants were recommended, were generally aware of the agreement between the leader and his associates? Certainly so, it was quite notorious. Forms of the agreement were printed, and publicly sold at the law stationers in Quebec.

Did it ever happen that a member of the Executive Council was a leader of a township under this system? It appears from the list of leaders that several of them were.

Do you imagine that any applications of this kind were ever refused by the Executive Council? I do not imagine that there were.

Probably, however, no application was ever made without a previous assurance that it would be granted? I should apprehend that such must have been the case, as the matter involved some expense, no one would have gone into it without some previous communication.

The system in question is referred to, in the following terms, in a report of a Committee in the House of Assembly, on the settlement of Crown Lands, dated 23rd Feby. 1821, "Your Committee unwilling to believe that the above mentioned evasions of His Majesty's gracious Instructions, had been practised with the knowledge, privity or consent of His Majesty's servants, bound by their oath, their honor, and their duty, to obey them, instituted a long and patient investigation into the origin of these abuses. They have been painfully but irresistibly led to the conclusion that they were fully within the knowledge of individuals in this Colony, who possessed and abused His Majesty's confidence. The instruments by which this evasion was to be carried into effect, were devised by His Majesty's Attorney General for the time being, printed and publicly sold in the Capital of this Province, and the principal intermediate Agent was His Majesty's late Assistant Surveyor General."—Do you imagine this description to be substantially correct? From the care with which that report was drawn up, and

the high character of the gentlemen who drew it, I can have no doubt of its being substantially correct.

Have the lands granted under this system of leaders and associates been generally settled? No.

What proportion do you suppose have been settled? I cannot exactly say, but I believe the settlement of these lands to be confined to the townships on the frontier line of the United States.

But in what proportion to the whole? I cannot tell.

A quarter? I think not.

Would you be able to ascertain by further enquiry? I will endeavour to do so.

All that portion of these grants which have not been settled, remain therefore, in a perfectly wild state? Yes, with the exception of occasional clearances made by squatters who have gone to make Potash.

Were any conditions attached to the Grants under this system? The conditions were within one year to settle a family for every 1,200 acres, within 2 years to plant and cultivate two acres for every 100; and within 7 years, to plant and cultivate 7 acres for every 100.

Were these conditions generally fulfilled? Not as a system.

What do you mean by that? I mean that the instances will be found to be very rare, where the Grantees set to work in good faith to perform the conditions of the grant. In the townships bordering upon the American frontier, they will in many instances be found to have been fulfilled, but not in the centre townships, or in those bordering upon the seigniories.

To what do you attribute the difference? That many of the parties applying for land on the frontier, were bona fide applicants desiring the land for the purpose of settlement. I believe they were chiefly Americans.

But, in the cases when the whole grant became the property of the leader, in the manner which you have already described, the conditions were not fulfilled by the grantee? I should say certainly not.

Was there any machinery for securing the performance of these conditions? Not that I am aware of. Nor do I know that any steps were taken, until the evil became so great, as to induce the Imperial Government to establish a Court of Escheats, to enforce the forfeiture of lands, in respect of which the conditions had not been performed.

I find by article 59 of the Royal Instructions, dated 1763, that the Surveyor General, or such other person as should be appointed by the Governor, was directed, "once in every year, or oftener, as occasion should require, to inspect the state of grants of lands, made by the Governor, and make report thereof to the Governor, in writing, specifying whether the conditions contained therein have or have not been complied with, and what progress has been made towards fulfilling the same," are you aware if any thing has been done in compliance with the directions? I do not believe that the instructions were ever acted upon, according to their tenor, but, as far as my recollection serves me, Lord Dalhousie did once direct Mr. Bouchette, the Surveyor General, to make a tour of inspection through the country, and report the state of the grants, but I do not know if any report was made on the subject.

Then in fact this article of the instructions has not been considered binding? I imagine they were not regarded as part of the code to be acted upon in granting land.

Will you now describe the proceedings under the system of location tickets which superseded the practice of grants to the leaders and associates? The object of this system was to put an end to grants of land in all cases except of actual settlement. In fact under this system, the grant was not to be obtained until after conditions had been performed. The first part of the system was to appoint an Agent for each township, to act as superintendant of settlements therein. The quantity of land granted to any settler under location tickets was generally speaking, limited to 200 acres. The conditions required, were, "that either the applicant or his family should remain on the land for the space of three years, from the date of his location ticket, that four acres at least of the land should be cleared and cultivated, and a dwelling house erected, and on a certificate by the township Agent of the performance of these duties, the applicant become entitled to his Patent.

Were these conditions generally performed? Very soon after the system was established, a very important alteration was made, relieving the locatee or his family from the necessity of personal residence, and establishing that this condition might be performed by any person, the locatee might place upon the land. This has produced a practice to refer the locatee for patent, on the production of certificates that four acres of land have been cleared, and a dwelling house erected, leaving it to be presumed that there is a resident.

The conditions then, except as to actual residence, have been generally performed? Yes, and more harm done to the land than if it had been let alone.

Please to explain that? The requisite clearance was made, and a dwelling house erected, merely for the purpose of observing the letter of the conditions, but without any view to settlement. The four acres of timber were burnt off, and a hut raised, but no cultivation took place, and the whole effect was to cause the growth of a bad scrub wood in the place of the useful timber which had been removed.

Was much land granted in this manner? A good deal.

About what amount should you think? 563,150 acres.

What is the present state of this land, or the greater part of it? The greater part of it is uncultivated.

Do you suppose that the greater part of it remains in the hands of the original grantees? A very considerable portion will be found in the hands of the original grantees or their heirs.

The new system of location tickets therefore which appears to have been intended to check the alienation of Crown lands which had taken place under the leader and associate system, and also to provide against land, the property of individuals, being left in a wild state, did not accomplish its object? Not to the extent intended.

That object appears to have been defeated by the abandonment of the condition of personal residence? It was so.

By whose authority was that condition abandoned? By that of the Executive Council.

The militia grants, which you have before mentioned as being exceptional from the general system, from time to time in force, were made, were they not, upon the plan of the location tickets? The first land grant in reward of militia services, was that made to the officers and privates of the British and Canadian militia, who served during the siege of Quebec, in 1775-6. Those parties received letters patent for their grants,

subject to the same conditions as I have previously described, as being contained in the grants to leaders and associates. The grants to the embodied militia who served in the last American war, were subject to conditions of settlement according to the location ticket system.

As to the first set of militia grants, were the conditions generally fulfilled? No.

As to the second set? They have not been fulfilled.

How are the conditions evaded in both cases? In the first case the parties being in possession of their letters patent, sold their right, generally for a trifle, to parties who have held them generally in a wild state ever since, trusting that in time they might become valuable. In the second case I believe that settlements would have been formed, if there had been proper arrangements made to enable the grantees to reach their lands, with some superintendence immediately after they had got to it, to which the Canadians have been accustomed.

But in point of fact, very little settlement has taken place under these grants? A very little indeed.

Have the original grantees generally retained the property? I have every reason to believe not to any great extent.

In what way have they generally disposed of it? For very trifling considerations.

Have you any idea of the average amount of the consideration? I should think that four or five dollars would be a very fair average.

So that in many cases the grant was disposed of for next to nothing? Yes.

And in no case for a sum sufficient to be of permanent service to the grantee? In no case, except perhaps where there happened to be water power upon the grant.

Such cases would be very few? Very few in proportion to the whole.

The whole object of the government therefore in making these grants both as respects the advantage of militia-men, and the cultivation of the land, seems to have been defeated? To a great extent. The improvident manner in which militia-men of 1775 disposed of their grants, was to be expected from their character as townsmen. I have heard that one of these grants were sold for a bottle of rum. And it is to be lamented that the want of a proper arrangement, prevented the object of the grant from being accomplished, with respect to the grants to those who served in the last American war.

What has been the amount of land granted to militia claimants? Under the claims of those who served in 1775-6, 232,821 acres, and under the claims of those who served during the last American War, 217,840 acres.

Are all the militia claims satisfied? No; claims to the amount of from 500,000 to 800,000 acres are yet pending.

By what authority have militia claims been decided? By that of the Executive Council.

Do you suppose that the claims now pending, are generally made bona fide, i. e. that the claimant desires the grant for himself, or that the beneficial interest in such claims has been to any extent transferred to other parties? My impression is, that the beneficial interest has, generally speaking, been transferred.

For what consideration generally? For a trifling consideration, on account of their being subject to duties of settlement in the first instance,

and the generality of the claimants not being aware even to this moment, that they are relieved from them.

Have the claims of many individuals, do you suppose, been transferred to a single person? Yes.

The purchase of these claims, then, has been a speculation in lands? Yes.

How has it happened that so many of these militia claims have remained unsettled for so long a period? The difficulty experienced by the militiaman, when he was first discharged, in finding the land assigned to him, induced him either to give up the grant as useless, or to dispose of it for a trifle. The expense of the duties of settlement has operated in preventing the parties who may have purchased militia claims, from urging the claim so acquired. Many of them would probably never have been pursued, if the new system of selling had not led to an expectation that wild lands would soon become more valuable.

So that the plan of selling, in substitution of all plans of free grants, which was intended to limit the alienation of Crown lands, has tended to bring forward claims, by the granting of which a very great alienation, on the free grant system would take place? I think so, and this is a remarkable example of the manner in which two different modes of disposing of Crown lands may counteract each other.

And besides the plan of selling now established, the object of the Government in admitting militia claims, so far as respect the advantage of the militia man, would not generally be accomplished, if all the claims now pending were admitted? Such is my persuasion.

The only persons who would benefit by the admission of these claims, are, generally speaking, such as made a trade of purchasing militia claims for a mere trifle upon a speculation? That is my view of the case.

What was the exceptional case of the grant to pensioners, which you mentioned just now? An order for the free grant of 100 acres of land to the privates, 200 to serjeants, and 300 to serjeant majors; Army pensioners who had commuted their pensions for a sum of money. About 1267 presented their credentials at this office, and obtained orders of reference to the Agents; of that number, 771, actually proceeded to their lands, and have since received licenses of occupation, and of the latter number, 205 having performed the settlement duties required of them, have obtained letters patent. Of the first class, a great number disposed of their orders of reference at Quebec and Montreal, for a mere trifle, and those who have purchased the orders, forwarded them to the Land Office here, for licenses of occupation, which were refused. Of the second class, many have since abandoned their different vocations.

These grants appear to have been of but little advantage to the parties? Of very little. Assuming these men to have been of a class fit for settlers, which very few of them were, the want of instructions to prepare and select the proper location, and of the necessary arrangement for their settlement, rendered the whole plan nugatory. It was even understood at the time, that the pensioners arrived here in numbers, claiming the sums due to them for commutation of their pensions, before authority had been received from the Commissariat to pay them. Many of them too were crippled or infirm, and the majority of them, when they obtained their commutation money, squandered it as fast as they could, and became miserable paupers about the place. Many of them died of the Cholera, and they have at length nearly disappeared.

There remains the exceptional case of seigniorial land virtually converted into free grants, by means of the Canada Tenures Act, what was that practice? By the Tenures Act passed in 1825, seigniors were allowed to convert their holding in fief, into a title by free and common soccage, giving to their censitaires a right to compel a commutation from them, upon similar terms to those upon which they had commuted with the Crown. Some seigniors, holders of extensive tracts, availed themselves of this law and the result has been that they now hold their land as an absolute property, discharged from the condition of conceding it upon the old terms to whoever might apply for it.

As to the property therefore commuted from the seigniorial to the soccage tenure, the effect has been the same as if so much land had been disposed of by free grant? It has.

Have not these seigniors chiefly confined the commutation to the wild portion of their domains? With the exception of the seigniority of Beauharnois, I conceive that to have been the case.

The virtual free grants, therefore, have been chiefly of wild lands? Yes.

And the quantity of wild land held upon the soccage tenure has been proportionably augmented? It has.

Proceeding to the Treasury instructions of Novr. 1826, be so good as to state what have been the proceedings under the system which they established? Those Treasury Instructions required that all land should be disposed of by sales, the purchase money to be payable in four equal annual instalments, with provision that sales be made to poor settlers, upon what is termed a quit rent, but which was in fact, interest at five per cent, upon the estimated value of the land, redeemable at any time, upon payment of that value. The land was to be disposed of by public auction, at an upset price; and the quantity to be put up for sale, as well as the price at which it was to be offered, were to be determined by the Governor, upon the recommendation of the Commissioner of Crown Lands, who was directed to make an annual report to the Governor for that purpose. Due notice was to be given of the time and place of sale, and of the quantity, situation, and upset price of the land offered, and any land not sold at that time was to be reserved for future sale, in a similar manner by auction.

Were these regulations strictly observed? As far as respects the annual report to the Governor, and there being an annual sale, they were, but a practice prevailed of disposing of what remained over from the annual sale by private contract at the upset price.

Of course the degree of competition at the annual auction sales, depended upon the quantity of land which the government brought forward for sale? Yes, naturally.

Was the competition generally such as that the price obtained exceeded the upset price? Very seldom indeed. There are few instances where the price obtained exceeded the upset price.

To what proportion of the land disposed of under the auction system, does this remark apply? To a very trifling per centage, not exceeding $2\frac{1}{2}$ per cent, or one-thirty-ninth part of the whole.

The object of selling by auction, therefore, was scarcely ever accomplished? Scarcely ever. Nearly the same result would have been produced by a fixed price without auction.

What do you suppose could have been the inducement for introducing

land virtually con-
firms Act, what was
seigniors were al-
y free and common
commutation from
had commuted with
tracts, availed them-
now hold their land
ion of conceding it

seigniorial to the soc-
such land had been

mutation to the wild
seignior of Beau-

essly of wild lands ?

age tenure has been

1826, be so good as
system which they
that all land should
payable in four equal
le to poor settlers,
fact, interest at five
mable at any time,
posed of by public
out up for sale, as
to be determined by
Commissioner of Crown
the Governor for
and place of sale,
e land offered, and
r future sale, in a

as respects the an-
nual sale, they were,
ver from the annual

auCTION sales, de-
nt brought forward

obtained exceeded
w instances where

the auction system,
ge, not exceeding

rcely ever accom-
uld have been pro-

nt for introducing

the plan of sale, by private contract, notwithstanding the direction that sales should be by auction ? The public advertisements led parties to suppose that there would be but one sale in the year ; and the lands having been once offered, and not bid for, it was conceived to be no disadvantage to the government, but that it would meet the convenience of purchasers to make private sales in the intervening period between the annual public sales.

Might it not have happened that a private sale was resorted to in some cases in order to avoid the competition of an auction ? It might have so happened, but I have no knowledge of the fact.

You are acquainted with the sale by private contract, at the upset price, of 55,486 acres to Mr. Tyler Harvey Moore ? I am.

That land was re-sold at an advance to the British American Land Company ? I understand so.

Then it is probable that if the same land had been put to auction, the company or others might have been ready to pay more for it than the upset price ? In the instance of that purchase or a part of it, I believe so.

Was much land disposed of under the Treasury instructions of 1826 ? The whole amount of land disposed of being virtually under these instructions, (those of Lord Goderich of 1831, never having been acted upon,) was 450,469 acres of Crown land, and 299,811 of Clergy reserves, in the whole 750,280 acres.

What proportion of this extent of land do you suppose has been settled ? The purchases of 200 acres and under, amounting to 186,853 Crown, and 91,029 Clergy, in the whole 277,882 acres, have, I presume, been all settled. The major part of the remainder, I believe to be still in a state of nature, with the exception of what may have been purchased by the British American Land Company.

Was the upset price during this period uniform or variable ? It varied very considerably from one shilling and three pence to ten shillings per acre.

Was the upset price the same throughout the Province during any one year, or were there different upset prices in different parts of the Province ? Always different upset prices in different parts of the Province.

Was the variation of upset prices confined to the difference in different places ; i. e. was the same upset price required during the whole period in each place ? Yes, the same upset price for each place was preserved during the whole period.

By whom was the upset price for each place determined ? The upset price was always determined by the Governor, upon the recommendation of the Commissioner of Crown Lands.

Are you aware of any rule by which the Commissioner of Crown Lands was guided in recommending different prices, for different parts of the province ? Remoteness from, or proximity to a settlement formed one basis, and the quality of the soil another. He fixed that upset price which he thought in each case the persons desirous to obtain land would be best able to pay.

In point of fact, as the auction was almost nugatory, it was a fixed price ? Yes.

Supposing the object of the price to have been to prevent the acquisition of lands, by persons not intending to reclaim it, the price fixed by the Commissioner seems to have been too low ? That would seem to be the case.

If the price was intended as a check upon the alienation of crown property, it was not sufficiently high to operate effectually? Certainly not.

Was not this plan of selling, all the while, counteracted by other modes of disposing of crown lands being in operation at the same time? It was; by the free grants to militiamen; by free grants to discharged soldiers of the British army; by free grants to officers, (for the remission of the purchase money to them, is tantamount to a free grant); by some free grants made in England, and by the sale in England to the British North American Land Company, of a great extent of the best land in the country, at a price very much below the highest upset price required under the general system.

Land disposed of under these exceptions may perhaps have amounted to as much as the land disposed of, under the rule; have you mentioned all the exceptions? In addition to these, there have been free grants in fulfilment of promises or engagements by the Provincial Government, entered into before the plan of selling was adopted, and to this day, parties are urging such claims, some of them to very considerable tracts.

What has been the whole amount of land sold under the Treasury instructions of Nov. 1826, since the plan of selling has been adopted? 750,280 acres.

And during the same period what has been the extent of land alienated in exception to those instructions, by free grant or otherwise? 641,039 acres; not including the sale to the British North American Land Company, which may be stated at 800,000 acres.

So that the quantity disposed of under the exceptions, exceeds by about 100 per cent, the quantity disposed of under the rule laid down by the Treasury order of 1826? Yes, it does.

During the continuance of the pretended system of sale, as determined by the instructions of 1826, has it ever happened that land acquired by free grant during the same period, could be purchased for less than the upset price, required for Crown land in the same neighbourhood? Yes, I believe there have been many instances of that being the case.

Can you specify any? Yes; for instance, land under the militia claims has been constantly on sale at much less than the upset price of Crown lands; lands granted to officers with the remission of their purchase money, such as I have already described as free grants in reality, have been sold for much less than the upset price of these lands would have been, if they had been brought to sale by Government; free grants to discharged soldiers have been under sale in the same way; and besides this, lands obtained under free grants, before the plan of selling was adopted, such, for example, as the grant of 48,000 acres to Sir R. S. Milnes, have been continually on sale for less than the upset price required for crown lands in their neighbourhood.

You mentioned that Lord Goderich's instructions of 1831, in so far as they differed from the Treasury instructions of 1826, have not been carried into effect; what is the difference in question? The instructions of 1826, directed that the purchase money should be paid in four equal annual instalments without interest. Those of Lord Goderich required the payments to be made by four instalments at intervals of six months, and to bear interest. The difference being between three years without interest, and eighteen months with interest.

Lord Goderich's price in point of fact, was higher than the other, or at least more restrictive of alienation? It would have been if it had been acted

upon ; at least that would appear to have been his lordship's intention.

How did it happen that this instruction was not acted upon ? In consequence of a representation from Mr. Felton, the Commissioner of Crown Lands, to Lord Aylmer, the Governor of the Province, stating that the terms imposed were too severe, and amounted in fact to exacting the whole purchase money down. Lord Aylmer upon this authorised Mr. Felton to continue the former practice, and it is understood, reported the circumstance to the Home Government. This was in the year 1832 ;— and the system of longer credit without interest, continued to be acted upon, until the receipt of Lord Glenelg's despatch of 1837, which required payment in ready money at the time of sale.

Have any sales taken place under that order of Lord Glenelg's ? No ; some applications have been made for liberty to purchase, but of very trifling amount. This is accounted for partly by the fact, that requiring payment in ready money, naturally operates as a check to purchasers for speculation or jobbing purposes, and partly by the political state of the Province during the last year.

Have you mentioned all the methods by which Crown lands have been disposed of in the Province since the conquest ? With the exception of Crown and Clergy reserves, and some partial sales about the year 1810 for a special purpose, I think that I have.

What are the Crown and Clergy reserves ? The Clergy reserves according to the Act of 1791, establishing the constitution of the Province, were to consist of a reservation in respect of each grant of waste land, " as nearly as the same can be estimated at the making such grant, equal in value to the seventh part of the land so granted." Crown reserves consisted of a seventh part of each newly erected township, set apart upon the recommendation of the Executive Council, for the support of the civil government. These reserves were made in all the townships, until the establishment of the system of sale in 1827, since which time the Crown reserves, though they do appear upon the diagram, yet being open to purchase by individuals, have really been discontinued. Since that time also the Clergy reserves have been put up to sale in the same manner as the Crown property, under an act of the Imperial Parliament, but the reserves are still made, and the money received upon their sale, is carried to separate account.

The constitutional act directs that land equal in value to a seventh of the land granted, as nearly as the same could be estimated, shall be preserved for the support of the Clergy ; how has that direction been carried into effect ? It has been left to the discretion of the Surveyor General, who in the absence of means to estimate the value, has substituted a proportion of quantity.

What then has been the proportion reserved for the clergy ? A portion equal to one-fifth of the land granted.

But the Act says equal to one seventh of the land granted ? Yes, I can only say, that the practice has been such as I have described. The practice has arisen from the fact, that one-fifth of the granted land in a township, was equal to one seventh of the township : only five-sevenths being grantable, because one-seventh was reserved for the clergy, and one-seventh for the crown.

The proportion of one seventh then, was reserved for the clergy, not only upon the land granted to individuals according to the terms of the Act of 1791, but also upon the reserve for the crown, and also upon the

reserve for the clergy; the effect being to reserve for the clergy one-seventh of the whole land of the province, instead of a portion equal to one-seventh of the land actually granted, or one-eighth of all the land of the province, as directed by the Act of 1791? Yes, such has been the case.

Has not the plan of selling crown and clergy reserves altered the proportion of land reserved for the clergy? Yes, because reservations are made for the clergy upon every sale of crown and clergy reserves, in addition to the original reservation.

In what proportion is the new reservation made? One-fifth of the land sold.

Then under the operation of the present system, the reserves for the clergy are equal to one-fifth of the whole land of the province, instead of an eighth, as directed by the Act of 1791? Yes.

What are the exact words of the Act of 1791? "That whenever any grant of lands within either of the said provinces shall hereafter be made, by or under the authority of His Majesty, his heirs or successors, there shall at the same time be made, in respect of the same, a proportionate allotment and appropriation of land for the above mentioned purpose," (the support of a protestant clergy) "within the township or parish to which such lands so to be granted shall appertain, or be annexed, or as nearly adjacent thereto as circumstances will admit, and that no such grant shall be valid or effectual, unless the same shall contain a specification of the lands so allotted and appropriated, in respect of the lands to be thereby granted, and that such lands so allotted and appropriated shall be, as nearly as the circumstances and the nature of the case will admit, of the like quality as the lands in respect of which the same are so allotted and appropriated, and shall be as nearly as the same can be estimated, at the time of making such grant, equal in value to the seventh part of the land so granted."

So that, supposing 700 acres to have been granted, the clergy reserve, in addition, would have been 100 acres; that is a portion equal to one-seventh of the grant, and equal to an eighth of the whole land disposed of? Yes.

Whereas at present, supposing 700 acres to be sold on behalf of the crown, there is in the first instance a reservation of 140 acres in respect of such sale, and then upon the sale of such 140 acres, a further reservation of 28 acres, and so on, reserving one-fifth upon every sale, till the process could be continued no longer; which would make the whole land disposed of, 875 acres, and the reserve to the clergy, 175 acres, or one-fifth of the whole land disposed of? Yes such is the case.

What has been the whole amount of land granted in respect of which clergy reserves have been made? Rather more, including the sale to the British American Land Company, than 3,500,000 acres.

The reserve then for the clergy upon this quantity, according to the proportion fixed by the Act of parliament, would be about 500,000 acres, while, according to the practice now in force, it would amount to 880,000 acres, being an excess of 380,000 acres, making a clear excess of 75 per cent? Yes.

Can you give an account of the actual excess of clergy reserves at the present time, over the eighth directed by the Act of 1791? 227,759 acres, not including the reserve when the sale to the British North American Land Company is completed.

for the clergy one-
portion equal to
of all the land of
which has been the

altered the pro-
reservations are
reserves, in ad-

One-fifth of the

reserves for the
vince, instead of

at whenever any
ereafter be made,
successors, there
a proportionate
mentioned purpose,"
ship or parish to
be annexed, or as
and that no such
contain a speci-
spect of the lands
and appropriated
e case will admit,
e same are so al-
the same can be
due to the seventh

the clergy reserve,
on equal to one-
whole land disposed

on behalf of the
acres in respect
a further reser-
every sale, till
make the whole
y, 175 acres, or
e case.

respect of which
ding the sale to
res.

According to the
t 500,000 acres,
mount to 880,000
excess of 75 per

reserves at the
791? 227,759
e British North

No actual reserves of land are now made, either for the crown or the clergy? No; what were called the crown reserves have merged in the general crown property since the system of sale was adopted, and though the clergy reserves are still laid out, and separately accounted for, they are open to purchase by individuals in the same manner as waste land, the property of the crown.

You mean like crown property laid open for sale, because it is only as clergy reserve that so much more land is brought into the market? I do.

Can you state why the system of reserving lands for the crown and the clergy, so as to keep such lands out of the market, has been abandoned? The crying injustice of requiring settlers to open roads over lands which might remain waste until it suited the convenience of the crown and the clergy to settle them, was the principal reason. The people in the townships generally not being disposed to take lands on lease, a difficulty of communication constantly presented itself from the manner in which the lots were distributed. In addition to which these lots afforded a harbour to the beasts of the forest, to the great annoyance of adjoining settlers.

These reserves were a serious obstacle to the settlement of the country? They were.

And have often been described as a public nuisance—do you think that term applicable? I do.

The system of crown reserves having been entirely abandoned, does the new system of clergy reserves, that is the system of laying out land for the clergy, in addition to the other land laid out for sale, still operate in any degree as a hindrance to the settlement of the country? I think not, under the arrangement of its being open to purchasers.

But does it always happen when such land is laid open to purchasers, that purchasers come forward to obtain it? Not universally.

Generally? As far as it applies to the old surveyed townships where grants have been made, the proprietors of those grants wishing to obtain the lots which had been reserved.

But little clergy reserve therefore now remains unsold? But little in the townships that I have already alluded to, but considerable portions remain in the other townships.

What proportion of clergy reserves has been actually sold? About 310,000 out of 673,000, or rather more than three-sevenths.

Of the amount which has thus been sold, what proportion was sold immediately after the introduction of the system of sale? The system of selling the clergy reserves was introduced in 1829, and the amount of clergy reserves at that time was about 600,000 acres. In the first year afterwards 1,100 acres only were sold; in the second year about 9,000 acres; in the third year 11,000 acres; in the fourth year 7,000; in the fifth year 37,000 acres; in the sixth year 77,000 acres; seventh year 111,000 acres, and since then about 40,000 acres.

So that after nine years have elapsed, considerably more than half is still unsold? Yes.

May it not be said, therefore, that the plan of selling the clergy reserves has not obviated the objection to such a provision for the clergy, founded on the impediment to settlement? Not altogether, but much good has been produced by the plan of selling.

You think, therefore, that in future, the clergy reserves will not present

any serious obstacle to the settlement of the country? By no means, the very block of land to which the clergy are entitled in respect of the sale to the British American Land Company amounting to nearly 80,000 acres, may be so situated as to become a source of great annoyance to both the company and the public.

Besides which considerably more than half of the clergy reserves existing in 1829, still remain unsold and unsettled, without roads, and operating as an impediment to communication between the settled parts of the country which adjoin them? Yes.

You have already stated that the excess upon the clergy reserves under the system which has been hitherto pursued, in addition to the seventh, mentioned in the Act, amounts to upwards of 227,000 acres, supposing that this were united to the Crown domain, what would be the amount of clergy reserves yet remaining? Not quite 140,000 acres.

And of this how much may be sold annually under the Act authorizing the sale of the clergy reserves? 100,000 acres.

In this case then the evils still occasioned by the existence of the clergy reserves might be removed to a considerable extent, even under the present law? Yes they might.

What has been the total amount produced by the sale of clergy reserves in this province? £72,203 17s. 4d.

Of this amount how much has been actually received? £50,425 10s. 6½.

To what deduction have these receipts been subject? To ten per cent on interest received, and five per cent on instalments, to the out agents by whom they were collected; and five per cent upon the whole receipts to the late commissioner, allowed to him by way of compensation for the trouble of management.

Is the latter payment still continued to the commissioner? No.

At what period did it cease? On the 1st of October last. (1837.)

Then this commission has not been paid upon the whole of the money actually received? No, only upon £50,425 10s. 6d. the amount received up to the 1st October, at which time the present arrangement came into force. The out agents only receiving their commission for collecting.

You have said that the five per cent was allowed to the commissioner of Crown Lands, as a compensation for the trouble of management of the clergy property. Was it then in addition to his salary, and the ordinary fees of office? It was, that duty forming no part of the duties imposed upon him by his commission.

In what manner then was he invested with the management of this property since it was not included within the range of the duties as commissioner of Crown Lands? By virtue of an Order in Council, made after the receipt of the Act of the Imperial Parliament, authorizing the sale of the clergy reserves.

What was the amount of salary and fees to which he was entitled as commissioner of Crown Lands? The emoluments of his office could not be less than £600 sterling, nor exceed £1200 sterling. The £600 was to be paid out of the produce of the sales, and he was further entitled to a commission of £5 per cent upon the amount sold, beyond the £600 necessary to pay his salary, such £5 per cent not to amount to more than £600.

? By no means,
in respect of the
g to nearly 80,000
great annoyance to

clergy reserves ex-
without roads, and
in the settled parts

clergy reserves under
on to the seventh,
0 acres, supposing
ld be the amount
acres.

the Act authorizing

ence of the clergy
ven under the pre-

of clergy reserves

ceived? £50,425

To ten per cent
to the out agents
the whole receipts
pensation for the

oner? No.
last. (1837.)
hole of the money
6d. the amount
sent arrangement
r commission for

the commissioner
management of the
and the ordinary
e duties imposed

management of this
e duties as com-
in Council, made
authorizing the

e was entitled as
s office could not
The £600 was
urther entitled to
eyond the £600
amount to more

Was there any similar limitation as to the amount of per centage to be received upon the sale of clergy reserves? No, there was not.

Then, might not this mode of payment operate as an inducement to the Commissioner of Crown Lands, to force upon the market a greater quantity of clergy reserves than that for which there was a legitimate demand? I do not think that Mr. Felton was actuated by any such motive, but I know that his opinion was strongly expressed on the vital importance to the well being and advancement of the townships, that the whole of the clergy reserves should be disposed of, in order to prevent the chance of their coming under the management of a clergy corporation. Having thus qualified my answer, it is very possible that such might have been the operation, and that they may have been put into the market a year or two earlier than there was any necessity for.

Is it not the fact, that the conduct of Mr. Felton was attributed to such a motive? Such motives were, I believe, attributed to Mr. Felton, by the agents of the clergy corporation.

Were the clergy reserves thus sold, in general purchased in small quantities for the purpose of settlement, or in large blocks by speculators, who have done nothing since to improve them? Since the year 1838, almost entirely by speculators, who have since allowed them to remain waste.

Then supposing that Mr. Felton's objection to the existence of clergy reserves was the impediment they offered to settlement, the course which he pursued has done nothing to remedy that objection? No, but he might fairly assume that it would; upon the principle of parties not feeling disposed to permit their capital to lay dormant, after the whole instalments have been paid up.

And is not the land thus sold by being transferred from a public body to private individuals, more withdrawn from public control for the furtherance of public purposes, than it was previous to the sale? Undoubtedly so.

Has it ever occurred to you that provision might be made for the clergy with equal advantage to that body, and without such injury to the public, as you have just alluded, by appropriating to the clergy a proportion of the receipts for all sales of Crown Lands, instead of reserving any portion of the land for further sale on their account? It never has, but I think that system would be a far better one.

The great objection to clergy reserves upon the old plan, and even upon the present plan, is, that the system opposes obstacles, to communication and settlement, by leaving great masses of wild land between spots that have been settled; But this objection is not confined to the clergy reserve system? No, the objection applies generally; and most particularly to the large free grants which have been made in exception to existing regulations. Those grants have been suffered to remain without any other roads than those which may have been cut through them at the public expense; no pains have been taken, even after such roads have been made, to afford sufficient facilities to settlers to keep them open, and the consequence has been, that after a few years, the roads have in many instances become impracticable, and the object for which they were intended has been defeated. The circumstances which led to the opening of roads at the public expense, viz the desire of settlers at a distance to have an easy communication with the large towns, produced a series of complaints which induced the Assembly of the Province to investigate the matter, and the government, through its representation, to adopt a measure with a view to the correction of the evil.

What was that measure ? The establishment of the Court of Escheat, which took place in 1826 or 1827. This court was established to enquire into the fulfilment of the conditions attached to grants of land, and, upon inquest, and finding that the conditions had not been fulfilled, to declare the land forfeited to the Crown. Some inquests were held in the district of Quebec, which, owing to the non-observance of some technical proceedings, are still in abeyance. Others took place relating to land in the district of St. Francis. The findings under these latter inquests and the whole of the proceedings were quashed on some point of form.

Has any wild land, private property, been escheated to the crown under the proceedings of this court ? None finally.

Does the court still exist ? I understand not.

How long did it exist ? About nine years.

And was totally inoperative ? With the exception I have mentioned it was.

I mean inoperative so far as diminishing the evil which the court was intended to remedy ? In that view it has been quite inoperative.

Did the establishment of this court occasion any expense ? But little beyond the expense of the salary of the judge and clerk.

By whom were the proceedings of this court set aside ? By the Court of King's Bench at Sherbrooke, as related to the inquests respecting land in the district of St. Francis, and the proceedings at Quebec are suspended.

Was this court popular ? By no means.

Not with any class of persons ? With none.

Upon what ground was it unpopular ? It was considered unnecessary by the lawyers who said that the existing laws of the country were sufficient, and that many of its provisions could not be legally carried into effect.

Could it have been unpopular with those who had loudly complained of the nuisance which it was intended to abate ? This is a question I cannot fairly answer, till I have conversed with those people on the subject. But it may be inferred that the opinions entertained by the members of the bar, may have had some effect upon them likewise.

When this court was established, did not many persons of influence in the province, including persons high in office, hold grants of land as to which the conditions had not been performed ? That I believe to have been the case.

And if the object of the supreme government in establishing this court had been accomplished, such persons must have forfeited their grants ? Yes.

I conclude that excepting land which has been sold of late years, conditions of one sort or another have been attached to all grants, not excepting the grants of seigniories, to which the obligation of concession was attached ? So I understand.

Except by establishing the court of escheats, has any attempt been made by the crown to resume land held upon conditions not fulfilled, and liable to forfeiture for non-fulfilment of the conditions ? There have been some instances of summary resumption in the case of small tracts of land held under location tickets, but no attempt of the sort has been made with respect to land held under patent.

Is there not at this moment a large quantity of land held in the province under letters patent, in respect of which the conditions have not been fulfilled ? Very large tracts.

Court of Escheat, established to encumbrances of land, and, if not been fulfilled, to the lands were held in the name of some technical person relating to land in the name of the latter inquests of form, and the crown under

I have mentioned

which the court was operative.

sense? But little

? By the Court of Escheat respecting land in the name of the crown are suspended.

considered unnecessary country were sufficiently carried into

loudly complained this is a question I believe on the subject of the memorial.

of influence in the name of land as to I believe to have

Wishing this court to order their grants?

of late years, conditions, not excepted. If concession was

any attempt been not fulfilled, and ? There have been small tracts of land has been made

held in the provisions have not

And which therefore legally speaking, the crown is entitled to resume? Yes.

What would be the objection to the resumption of these lands by the crown? Interfering with the rights of second and third parties who may have purchased from the original grantees.

But the second and third parties could not have purchased rights which the original grantees did not possess? True, but when the conditions have been allowed to remain unfulfilled for a period of from twenty to forty years without any interference on the part of the crown, equitable considerations may arise, which would forbid a rigid enforcement of the legal rights of the crown.

You think that equitably speaking, there has been a tacit abandonment of the rights of the crown? To a certain extent. But it seems quite fair that the crown should now adopt some mode of calling upon the parties to fulfil the original conditions within some specified time, or to forfeit the land.

That, I suppose is just what would have been effected by the court of escheats, if it had been allowed to operate? Such I believe would have been the result.

You stated in answer to a former question, that the plan of selling had been strictly enforced, with the exception of private sales between the annual public sales: have the regulations as to advertisements and the time and manner of payment, being always strictly observed? They have, with the exception of the district of Gaspé, where the regulation of advertising the sale in the newspaper, does not appear to have been attended to.

Has the direction as to the time and mode of payment, been always strictly attended to? As respects the first payment it has, except in the district of Gaspé, where in 1836, the agent sold 90,000 acres, taking payment in bills at thirty or sixty days date instead of ready money, which bills were protested.

Have all the instalments besides the first been paid in all cases? Not in all.

Are the cases many in which the subsequent instalments remain unpaid? I do not consider the proportion of persons in arrear to be very great, but will make out an exact statement on the subject.

In those cases has the land been resumed? Not in any instance.

Nor assigned to the grantee? No.

It remains therefore neither the property of the crown nor the property of the grantee; not appropriated nor open to appropriation; in a wild state and tabooed as it were against settlement? It remains so far the property of the crown, that it may proceed by ejectment against the purchaser, leaving to him to prove the sale. Its remaining wild will in a great measure depend on the extent of the purchase made: large purchasers generally have not been much in arrear.

Has any proceeding of ejectment been commenced? Not any.

Or attempted? No.

Or contemplated? I caused a list of all persons in arrear to be published about eighteen months since, with a view of soliciting the permission of the Governor to proceed against those who might be greatly in arrear, but the state of the country since has been such as to prevent my following it up.

You have said already that the auction is little more than a form, the

upset price being in almost all cases the selling price : is the auction as a form, in any way inconvenient ? No.

Suppose a person just arrived from England with his family, and desirous to purchase a tract of land for immediate settlement, would not the auction compel him to wait a considerable time before he could obtain the land ? In case such a person applied for a special sale, and his application were favorably entertained by the Governor, he would only have to wait two months for the advertisement of the sale.

And if his application were not favorably entertained by the Governor, he would have to wait until the next annual sale, unless he chose to purchase land which had been already put up for sale, but not sold at a previous auction ? Yes.

And the possibility of his being overbid, either at the special sale or at the annual sale, would leave him all the while in a state of uncertainty as to whether he should finally obtain the land selected by him ? Certainly.

It appears therefore, that if there were a brisk demand for Crown Lands, the plan of auction would occasion considerable inconvenience ! It would occasion inconvenience certainly, but it must necessarily be replaced in the out agencies by some system of publicity to prevent acts of favoritism. I know no other advantage obtained by selling by auction at an upset price, rather than at a fixed price, except the publicity which it secures.

Then provided the publicity were the same, you think that a fixed price would be preferable to auction at an upset price ? I do.

In what way is the crown property of timber disposed of ? The practice is annually to obtain an authority from the Governor to offer for sale licences to cut timber upon waste lands, the property of the crown, for the ensuing year at an upset price.

Under what authority are these sales made ? under the Treasury instructions of November, 1826.

By whom is the upset price determined ? It was originally by the Treasury in England, subject to alteration at the discretion of the Governor. Last year an advance of 25 per cent. was made by the Governor in respect of saw-logs.

What are the terms upon which licences are granted ? One fourth part of the purchase money is to be paid at the time of sale, and the parties enter into a bond for the payment of the remainder on the first of October on the following year.

In what manner is the sale conducted ? In the public notice of sale, parties desirous of purchasing are directed to state the district and quantity for which they wish to obtain a license. These statements or tenders are made public at the time of sale, and if there is no advance, the license issues for the party applying for it.

Do cases often happen in which an advance is made upon the upset price ? There has been only one case that I am aware of in which any advance has been offered, and in that case the party not being prepared to pay the first instalment, no sale was made.

Then the auction is really nominal ? Yes ; the only advantage attending it being, that the publicity given to the sale affords an opportunity to all the lumber merchants to know the timber berth that each has selected.

Have the Treasury instructions been uniformly pursued in regard to

these licences? No, during the administration of Sir James Kempt, some of the lumber merchants represented, that the rivers down which they wished to float timber, were so obstructed, as to require a considerable expense in making slides and improving the navigation, and requesting a grant of money for that purpose. This request was refused, but the Governor promised the exclusive right of cutting timber for seven years, upon any such river, to any person who would undertake to open it, upon payment for the timber cut at the rate fixed by the Treasury instructions. Under this promise exclusive rights have been acquired by Mr. Hamilton, on the river Rouge; Mr. Price on the river du Sud; Messrs. Wright and others on the Gatineau, and by the Hudson's Bay Company within the King's Posts.

What security have you that a larger amount of timber than that for which the license is obtained, should not be cut under the authority of the license? Upon the Ottawa there is a tolerably effectual check, under an arrangement between the executive governments of this province and Upper Canada. In Gaspé the agent visits the berths personally, and by comparing the quantity shipped at the Custom House with what he has observed, perfects his checks. In the other parts of the province, where saw logs are principally cut, the returns of the merchants have been generally accepted as sufficient, the character of these gentlemen is considered as a sufficient guarantee. Upon the whole the checks are imperfect, but I believe that the real cause of their imperfection has been the uncertainty of the continuance of the present system of timber duties in England.

According to the price for timber licences, under the Treasury instructions, may it not be cheaper to purchase land for the sake of the timber, merely than to pay for a license? It may be so, and an instance came to my knowledge of an attempt of the kind in the newly surveyed townships of Wakefield, which I however defeated, by directing the agent not to accept bids, except from persons that he believed to be intended settlers.

Have you then power of rejecting an offer to purchase lands made at a public auction? Under the conditions of sale publicly read by the agent, no sale is valid until confirmed by the commissioner of crown lands.

Do you imagine that any land has been purchased with this intention? I could not say that no land has been purchased with this view, but as no sales have been made except in surveyed townships, I cannot bring myself to believe that they have been made to any great extent.

Have you not reason to suppose that the purchase of 90,000 acres, to which you have referred in Gaspé, was made with that intention? It was avowedly so; I was myself informed so by the purchasers.

What was the price per acre at which this land was sold? Varying from one shilling and eight pence to four shillings per acre.

Is there much land the property of the crown, upon which people have settled unlawfully, or as it is commonly called squatted? There are squatters upon the crown property to some extent, but not in sufficient numbers to occasion any great difficulty in arranging with them; for from what I understand on the subject, they all expect to pay for their land, but to have the benefit of pre-emption.

What do you imagine are the grounds upon which they have formed this expectation? Not certainly from any thing that has been held out to them; but there is a general feeling amongst people of that class, that, when they have reclaimed wild land, they are entitled in equity to that degree of consideration on the part of government.

They have then no other grounds for the expectation than their own opinion, that it would be but equitable in the government to depart from the present regulation in their favor? None, most certainly, that I am aware of.

You spoke just now of arranging with them without any great difficulty: to what sort of arrangement do you allude? That they would willingly conform to any terms of purchase that the government might propose.

Has an arrangement been made with any of them? I should rather think that some of them must have come in among persons who have been considered as tenants and occupiers of lots, and who have been allowed by the governor to purchase without being exposed to the competition and publicity of an auction.

Has that been a common practice? It is a matter of right in the former class, under the Treasury instructions of February, 1826.

But directly contrary to Lord Goderich's instructions of 1831, which require that no land should be disposed of except at public auction? The reading given to those instructions here has been as only applying to waste and unoccupied lands.

But whether or not contrary to Lord Goderich's instructions, this mode of disposing of crown lands is another method, exceptional from the general rule of public sale by auction, in addition to the numerous exceptions which you have already mentioned? It is, and I should have enumerated it amongst the others, had it not formed part of what have been considered the existing regulations.

Returning to the squatters, are the cases many in which the crown has forced such persons to purchase the lands occupied by them? In no instance that I am aware of, has the crown forced them.

Has the crown ever attempted to eject any of them? I believe not.

You said that many of the squatters might have been considered as tenants and occupiers, and might have purchased their land in that character, without being subject to auction; but if they are considered tenants and occupiers under the crown, how could they be considered as squatters, when the essential characteristic of a squatter, is, that he occupies without a title? My answer must be understood as not applying to tenants; but that I find in the list approved by the governor, of persons allowed to purchase, without being subject to auction, the term occupier, as well as that of tenant, and I therefore suppose, but without any positive knowledge on the subject, that it may have been used to cover cases of squatters who had really improved their farms to a considerable extent.

But if so, it must have been directly in breach of the Treasury instructions of 1826, and Lord Goderich's instructions of 1831? I give the practice as it has obtained.

Do you imagine that any large proportion of persons occupying without any title at all, have been treated as though they were occupying under a perfect legal title? My impression is certainly not.

What sort of arrangement would you purpose to come to, with squatters upon crown lands? By allowing them to purchase at a fixed rate; but I allude only to those who have really improved their lands, and may be considered as *bonâ fide* settlers.

But if they should be disposed to hold their land as at present without payment, rather than to pay for them, what course would you propose to adopt? I should proceed against them by ejectment.

on than their own
ment to depart from
certainly, that I am

any great difficulty:
they would willingly
it might propose.

? I should rather
persons who have
who have been al-
posed to the compe-

ter of right in the
ry, 1826.

ons of 1831, which
t public auction?
n as only applying

uctions, this mode
ceptional from the
the numerous ex-
and I should have
part of what have

which the crown has
by them? In no

I believe not.

been considered as
land in that char-
re considered ten-
be considered as

er, is, that he oc-
od as not applying
the governor, of
uction, the term
opose, but without
have been used
their farms to a con-

Treasury instruc-
31? I give the

occupying with-
they were occupy-
only not.

me to, with squat-
e at a fixed rate;
their lands, and

t present without
ould you propose

Would the process of ejectment against settlers on crown lands be easy of execution? I see no difficulty in it.

Are the crown lands upon which squatters have established themselves, well ascertained under the surveys of the Crown Lands Department? To say that they are, would be to admit that the surveys of townships could in every instance, be depended upon. As far as my experience goes, the contrary is unfortunately the case.

Would there be, generally speaking, much difficulty in proving to the satisfaction of a court, what was crown land upon which squatters had established themselves? I should apprehend no difficulty there, because the burthen of the proof would lay with the squatters, unless the validity of the surveys could be called in question.

Generally speaking, do you suppose the surveys to be correct? I apprehend that they are not.

But the alleged squatter's proof must necessarily, must it not, be drawn from the surveys? I should imagine so.

Could he have any other means of identifying the land claimed by him? I presume not, but I must qualify my answer, by saying, that the question borders on points of law, upon which I am not competent to offer an opinion.

Supposing that the *onus probandi* as to title rested with the crown, how would the crown shew that the land in question had not been granted? By a technical description of the lot or tract taken from the survey as made.

That is supposing the surveys to be accurate; are they, do you believe inaccurate to any great extent? I can instance two townships, Shefford and Orford, (and how many more may prove inaccurate as questions of boundary arise, it is impossible to say) which are very inaccurate in their subdivision.

Inaccurate in what respect, and to what extent? On actual recent survey, it has been found that no one lot agrees with the the diagram on record.

Was the diagram made from actual survey? It purports to be made from actual survey.

By whom was the recent survey made? That of Shefford, by Mr. Wells, and that of Orford, by Mr. Wyss; both of them Deputy Provincial surveyors, and considered persons who stand high in their profession.

To what extent do the lots differ from the diagram on record? The lines dividing the lots, instead of running perpendicularly according to the diagram, actually run diagonally. The effect of which is necessarily to displace the whole of the lots, upwards of 300 in number, from their true position. The lines dividing the ranges are so irregular, as to give to some lots two and a half times the contents of others, though they are all laid down in the diagram as of equal extent. There are lakes also, which occupy nearly the whole of some lots, that are entirely omitted.

From which it would appear, that the diagram was prepared without any actual survey at all? I have heard it repeatedly stated, and it was generally believed, that in many instances, during the early surveys, if the surveyor did run the outlines of the townships, he was commissioned to survey, it was as much as was ever done, and the whole of the field notes and subdivision was mere fiction.

You have spoken of Shefford and Orford ; are there any other townships as to which means of comparison exist between the diagram existing in your department and the actual subdivision of the townships ? I have not seen any, but have heard complaints of a similar nature, respecting the township of Grenville, but they have not come before me in an official shape.

What reason have you for supposing that the surveys of other townships may have been more accurate than those of Shefford and Orford ? I have no reason for believing that they are, other than that, in some parts of the country, the same causes of error may not have existed, either physical causes, such as that of magnetic attraction, where there really was a survey, or, in cases where there was no actual survey, the negligence of the surveyor.

Are the old French surveys of the seigniories supposed to be accurate ? I have never heard them complained of, and I believe that their accuracy is undoubted.

The inaccuracies, therefore, of which you have spoken, is confined to that part of the province which has been divided into townships. About what extent of country is comprised in that description ? There are 109 townships, of about 10 square miles.

Including all the land which has been disposed of by the British Government, except the seigniories which were erected by that government shortly after the conquest ? Yes.

It appears that similar difficulties to those which might arise in settling a question of title between the crown and an alleged squatter, arising from the inaccuracy of the township surveys, would extend to all grants and sales by the crown ? They would.

And also the question of title between persons claiming to have a grant or to have purchased from the crown, and alleged squatters upon the land asserted to be theirs ? Undoubtedly.

And also to all cases in which different persons should claim to have received, or purchased the same piece of land for the crown ? Yes, more or less.

Is it not considered that this state of the crown surveys must prove a source of interminable litigation hereafter ? It is a general observation.

Considering the state of the surveying department, may it not have happened that the same land has been granted or sold to more than one person ? The granting the same land to more than one person, is an error in which the Surveyor General has his full part ; but other officers of the land-granting department, under the system which obtained till last October, and whose duty it was to audit the patents for the purpose of preventing such occurrences are equally to blame.

You are alluding now to double grants wherein the error is plain upon the face of the patents ; that is where the same lot *nomination* has been granted to different persons ? I am.

But I alluded to double grants of the same land, under different designations, arising from the defective state of the survey ? How many of these may arise, it is impossible to say.

Have any such cases been discovered ? None have come before me in an official shape, but I apprehend that questions of that nature are waiting, in great numbers, until land shall have become more valuable where the crown will be called in upon every occasion to defend its own grant.

And considering the state of the surveys will be without the means of such defence? Unless measures to prevent the evil should be adopted before its occurrence.

You appear to consider this as a subject of very high importance, and demanding the immediate attention of government? I do in common with every person who has ever reflected on the subject.

In the neighbourhood of granted lands, or lands purporting to be granted, your department must, I suppose, often be at a loss to know what land has been granted, and what remains the property of the crown? Since we have been satisfied of the probable inaccuracy of the surveys and of the little reliance to be placed on the diagrams, an unpleasant feeling of responsibility has arisen upon this subject.

That is a feeling of fear, lest you should dispose of land already disposed of? Precisely so.

And on the other hand it may also be feared, I conclude, that the crown should leave in the hands of private persons, land which really belongs to the public? The one is just as liable to take place as the other.

It appears by a return from your department, that in 1833 and 1834, the remission of purchase money, or as you have described it, virtual free grants, under the form of remitting the purchase money, was not confined to officers in the army and navy, but that the purchase money was remitted to others under an authority from the Governor, or Secretary of State? There were two such remissions, the one to Mr. Christie, the chairman of the Quarter Sessions at Quebec, and the other to Mr. Coelin, chairman of the Quarter Sessions at Three-Rivers, in lieu of arrears of salary due to them, and for which the Provincial Legislature had refused to provide.

Are the British North American Land Company supposed to have selected the most valuable lands open to appropriation in what is commonly called the Eastern Township's District? Yes.

Including crown reserves in the settled townships? Yes.

And the price that they paid, was less than the then upset price, any where in that district? Yes, with the exception of four townships, in which the upset price appears to have been four shillings currency per acre, while the price paid by the British American Land Company for their surveyed lands, was understood to be three shillings and six pence sterling.

How much less? In three of the remaining townships, the upset price appears to have been seven and six pence per acre, and in the fifteen others, five shillings.

They also had a longer credit than was given to any other purchasers? Yes.

Was it considered at the time that they had to pay more or less than the price which they would have had to pay, if the land had been submitted to public auction, according to the existing regulations? I myself considered that they had agreed to pay less than that price, and I believe such was the general opinion.

This property has naturally deteriorated in value, in consequence of the recent rebellion in this province? I do not think so, at least, not permanently.

Is there not a proposal now before your department, from a company formed in this province, and comprising gentlemen of wealth and the highest respectability, whereby the Government is requested to sell

225,000 acres of land in the county of Megantic, adjoining to the tract of the British North American Land Company, but not of a superior soil, or in a superior position, and not comprising any crown reserves, at the same price, and upon the same terms in all respects as those which formed the conditions of the grant to the British North American Land Company? I am aware that a petition of the nature to which you allude, and signed as you stated by persons of high respectability and standing, for the tract in question, has been presented to His Excellency the Governor General, but it has not been formally transmitted to the land department.

James Hastings Kerr, Esquire.

It is understood that you have had considerable opportunities of becoming acquainted with the state of landed property in this Province? I have, particularly with regard to township land.

Be so good as to state in what way you have obtained that information? As an agent employed by many persons interested in the lands of the province.

During how many years have you had these opportunities? During the last eight years.

You may naturally have had occasion to reflect upon the different methods which have been pursued by the crown in this colony, for the disposal of the public land; to compare them with each other, and to form some opinion as to their general operation, whether beneficial or otherwise? I have; I consider none of the plans that have been adopted by the crown, as likely to lead to an extensive settlement of the crown lands.

Be so good as to state your view of the operation of the system of leaders and associates? I can only state it to have been a disgraceful system, or rather practice. The associates were generally persons residing in the United States, and frequently the leaders resided there also. The object with which the system of disposing of crown lands, under which this practice arose was devised, appears by the following passage in the original instructions framed for the grants of land in the province, section 51, which states that "great inconveniences have heretofore arisen in many parts of the colonies of America, from the granting excessive quantities of land to particular persons who have never cultivated them, and have thereby prevented others more industrious from improving such lands." The object therefore was the settlement of the country, by means of putting a stop to grants of land to persons who would not improve it. The effect, however, has been, that the leader in almost every case, became possessed of nearly the whole, if not of the entire quarter, or half, or whole township granted to him and his associates, and the land thus obtained has been in most instances, excepting in a few of the frontier townships, some of which contain a large population, withheld from settlement up to the present time unless squatted upon.

Have these grants ever since presented a serious impediment to the settlement of the country? Very serious.

And do so still? Yes; for many of the large holders refuse to sell at reasonable rates, trusting to the value of their lands being increased at the settlements going on around. In some cases a tract of wild land may lay between a back settlement and a road, as in the townships of Tingwick, Halifax, Simpson, Wendover, and many others. In these cases the inhabitants are entirely cut off from the road, and cannot even make a road for themselves without being liable to an action of trespass; besides which the expense of making such a road would of itself suffice to deter them. In addition to this, these wastes serve as a harbour for wolves, which a short time since so infested the various districts of the province, that an act of the Legislature passed giving a bounty upon the killing of a wolf. Similar inconveniences have arisen from the system of Crown and Clergy Reserves, which accompanied that of township leaders and associates. The evil resulting from the Crown and Clergy Reserves, has been removed by the alteration of the system, by

which the Crown and Clergy Reserves have been made open to sale.—The inconvenience arising from the excessive grants still remains.

Does the word inconvenience sufficiently express the nature of the evil? No; and I hardly know what word to use that would be strong enough to express it. About 1809 or 1810, the system of leaders and associates was discontinued, and for some time afterwards there appears to have been scarcely any land granted. In about 1816 the system of granting upon location tickets was introduced. Under this system the settler was required to perform settlement duties before he could obtain a title to his land, but these duties in the manner in which they were performed, rather deteriorated than improved the condition of the land.—The settler cut down and burnt his four acres and built his hut, and then obtained his title and abandoned the land.

Did the system of location tickets add much to the quantity of land alienated by the crown, and not yet settled? It did, but at the same time much settlement actually took place on the Ottawa and in the eastern townships, under this system. The location system was followed by a system of sale, as directed by the Treasury instructions of 1826.—This system induced many of the squatters to purchase a title to the lands they occupied, but few actual settlers purchased land with a view to settlement. The chief purchases have been made by persons of property with a view to speculation, under the impression that it would pay very good interest for the money invested at some future day.

In this way therefore, the extent of private property still in a wild state, has been considerably augmented? Yes.

You are aware, concurrently with the plan of selling, free grants to a great extent were also made? No; excepting under pledges made by the Government before the system of sale was introduced.

But the fact has been that free grants were made at the same time that the system of sale was pursued? Yes, it has so been.

Do you think that the plan of selling would have been more effectual, if the Government had been able to stop all free grants, from the period of its introduction? More land might have been sold, but probably only to speculators.

The price then appears to have been too low, to deter speculators from purchasing with no view to actual settlement? Yes; it was so in many of the townships.

The upset price was fixed by the government, on the recommendation of the commissioner of crown lands, and different in different townships. Do you think that the upset price was suitable to the particular circumstances of each township? No; in some cases the price was too high, and in others too low.

Too high or too low in reference to what? To locality, the neighbourhood of settlement; and the quality of land; on the Ottawa, particularly too high in reference to the means of settlers.

Do you consider the system at present in force for the disposal of crown lands, to be efficient with a view to the settlement and improvement of the province; or are there any points in which you consider the system defective? I do not consider the system efficient, but defective in the following points. In the first place there is not sufficient liberty of selection. Under the present system, that land only is obtainable by individuals generally, which has been selected for the annual sales. It is the government in fact which determines what land shall be open for purchase.

le open to sale.—
ll remains.

he nature of the
at would be strong
m of leaders and
ards there appears
816 the system of
his system the set-
he could obtain a
ich they were per-
n of the land.—
his hut, and then

quantity of land
l, but at the same
tawa and in the
stem was followed
tions of 1826.—
hase a title to the
and with a view
e by persons of
on that it would
uture day.
y still in a wild

free grants to a
ldges made by
d,
t the same time
en.

a more effectual,
from the period
d, but probably

speculators from
was so in many

recommenda-
erent townships.
rticular circum-
ce was too high,

lity, the neigh-
e Ottawa, par-

the disposal of
and improve.
ou consider the
, but defective
ufficient liberty
s obtainable by
ual sales. It
all be open for

What branch of the government? The Governor.

But from his own knowledge or that of other persons? Upon the recommendation of the commissioner of crown lands.

So that in point of fact it is the commissioner of crown lands who determines what land shall be open for appropriation? Yes.

Does he decide upon local knowledge? I should say not. I do not know what local knowledge a man can have, who has not visited the sections of the country where the lands are put up.

Then, upon what grounds do you imagine his decision to be formed? I cannot tell you. In some instances perhaps upon application from individuals, in others merely from the dictate of his own will.

But upon special application, individuals may acquire land which has not been included in any annual sale? They may occasionally, but such applications must be referred to the Governor, who has hitherto decided upon them according to the recommendation of the Commissioner of Crown Lands, who might not have approved of the application. Such applications may have succeeded, but they may not, and there is no certainty.

Are you at all aware of the grounds upon which such applications are made? No, it is but very seldom any reason is assigned, but the general answer in case of refusal is, that "His Excellency does not consider it expedient to comply with the request." Much depends upon the perseverance of the agent. I have in many instances not been content with the first refusal, particularly as to free grants, and have in many of those cases procured a revival of the first decision.

Was your importunity addressed to the Governor, or to the commissioner of crown lands? To the Governor himself, but my remonstrances were always sent to the commissioner to report upon.

You are speaking now of the practice which prevailed up to August, 1836, since then the facilities have been greater? Much greater.

To what do you attribute such increased facility? In part to the power being in the hands of a board instead of a single individual, and in part to the greater accessibility of the Commissioners of Crown Lands.

All power seems however to be really in the discretion of the Commissioner of Crown Lands? Hitherto entirely so.

The power of the Commissioner seems not to have been confined to the subject now in question, but to have extended over every part of the system for the disposal of lands? It has so, especially in the time of the late Commissioner, whose decisions, in almost every case, were confirmed by the government.

I suppose that in fact the late Commissioner had the power of withholding or granting just what land he pleased? He certainly had.

How did his exercise of that power affect the disposal of crown lands? In many instances to the prejudice of individuals, and in very many to the obstruction of the settlement of the country.

The same power seems to exist now—in what respects is it differently exercised? With greater discretion, and the decisions appear to be less arbitrary, that is, more reasonable; and more attention seems to be paid to the public interests.

Are these all the defects you have to notice? No; there is considerable uncertainty on the part of the intending settler, as to his obtaining the land which he has selected. This is occasioned by the plan of selling by auction. The person desirous to obtain land included in any annual

sale, may after waiting for the sale, find himself overbid, and may thus not obtain the land upon which he had fixed. And again, in the case of an unsurveyed tract, after incurring the expense of the survey, he may be overbid by some other person who has not incurred any portion of that expense. It is true that in such cases the expense of the survey would be refunded to him, but the trouble and anxiety he has incurred will be of no avail.

Does this operate practically as a check to applications for land? It must do so, since it introduces an uncertainty as to whether an individual who has incurred trouble and expense will reap the reward. I may mention as an instance, that in the township of Gosford, in which several ranges were surveyed, and laid off upon special application from individuals, and at their expense, I attended the sale in May, 1837, in company with another gentleman. The upset price was one shilling and three pence per acre, and we, seeing that the land was likely to be sold for a low price, bid for 9,000 acres, at the average price of two shillings and three pence per acre, at which price it was knocked down to us.— Other persons, not being of the special applicants, bought some of the land at prices varying from one shilling and six pence to five shillings per acre, and the special applicants did not obtain more than about one-tenth, I should think of the land comprised in their application. This case strongly illustrates the inconvenience to which I have referred, and one case of this sort would operate, to a very great extent, to deter individuals from making similar applications. The expense of the survey was repaid to these special applicants, but not immediately. I have also to mention the delays occasioned by the system of auction. In order that auction should have any effect at all, there must be a notice, which necessarily requires time. In the case of special applications for unsurveyed land, or for land not included in the annual sales, the applicant must wait, after his application has been acceded to, and after the survey has been made, till the auction takes place, of which notice is required of from a fortnight to six weeks. In the case of lands included in the annual sale, the applicant must wait either for the annual sale or for the monthly sales, for the lands which have not been disposed of at the annual sales. In the case of land which has not been put up for sale, but which is intended to be included in the next annual sale, the intending purchaser must wait till the next annual sale, which may be for any portion of a year.

Is all land which has not been disposed of at the annual sale, put up at the next monthly sale? No, that is not the case; upon one occasion I wished to obtain some land which had been put up for sale, but not sold at an annual sale, but had to wait several months till an auction took place.

But the general practice is to put up for sale, at a monthly auction, the land which has not been sold at the yearly auction? Yes, in some townships, but in others there is no agent, and no monthly sales take place.

In these other townships, therefore, the persons desirous of obtaining land, included in annual sales, must wait for the next annual sale? Yes in the ordinary course; but upon special application, the agent nearest to the spot might perhaps be appointed agent for that township, and he might then put up the land to auction on the day fixed for monthly sales, within his agency.

That is the day fixed for monthly sales, in case it was the practice to sell monthly in that township? Yes.

Have you any thing further to say on this head? No, but I will now refer to the inconvenience of references to the Executive Council, upon applications for free grants, founded upon old claims, which had not been pursued at the time of arising.

What is that inconvenience? Such references in many cases remain unreported upon, and neglected for months.

In such cases then, the power does not rest with the commissioner of crown lands? No, but with the Governor in Council.

Are there any means of knowing in such cases upon what grounds the decision upon any such reference is made? In some cases there may be. The proceedings before the Council are secret, but a report is made upon each case, and such reports occasionally though but seldom, state the grounds upon which any application is refused. I once endeavoured to obtain a statement of the grounds upon which a refusal took place, but without success.

Are the reasons ever given when the Council reports in favor of an application for a free grant? Yes in some instances, but not generally.

Are applications for free grants necessarily decided by the Executive Council? No, they were not so in the time of the late commissioner. Some few instances of reference took place; but he generally recommended to the Governor, either compliance or refusal, upon his own responsibility. There may have been, but I am not aware of any instance in which his recommendation was not followed, and very rarely would he give any reason for his refusal.

At present such applications are generally referred to the Council: is the rule with respect to such applications the same as it was then? I do not know how it can be said that any rule ever prevailed. It was and is in the discretion of the commissioner of crown lands, to cause such reference.

The commissioner can then still recommend to the Governor, without the intervention of the Executive Council? Yes he can.

I conclude, that when the commissioner did not refer to the Council, he was considered responsible for the decision? Yes he was.

And that now the Council are held responsible for such decisions? Yes, upon such cases as the commissioner refers to them.

Can you give the board any information as to the state of the surveys? It is generally understood that the surveys in many of the various townships are very inaccurate, and many of the surveys have been proved so. I had in my hand the other day a patent for four lots in the township of Inverness, three of which did not exist, granted to captain Skinner; three of the lots were decided not to be in existence, and I received compensation for them in another township. A great error was discovered in the original survey of the township of Leeds.

I suppose that the inaccuracy of the surveys is a matter of certainty? Quite a matter of certainty. I could cite you a number of townships, Milton, Upton, Orford, Shefford, &c. where the inaccuracy has been ascertained.

Were the old French surveys accurate? They might easily have been so, from the nature of the system, which required only the front and depth to be ascertained, without any subdivision of the seigniories. The subdivision for concession was the subsequent act of the seignior.

Has any inconvenience to any amount been practically felt from the inaccuracy of the British surveys? Inconvenience has been felt, but it is only now beginning to be so seriously. As the settlement of the country advances, and land acquires a greater value, great inconvenience must arise, in the shape of endless questions of title, and of this many people are so well aware, that they refuse to sell with a guarantee of title.

Your profession as an agent includes the business of obtaining titles to the lands as well as advising upon their selection? It does.

By what course of proceeding is a title obtained after a purchase has been made at the government sales? It is not often that the purchase money is paid down. The purchaser is allowed to take possession, by what is called a ticket of occupation, as soon as he has paid his first instalment. As soon as he has done this, he is referred by the crown land officer, to whom the payment is made, for patent to the Surveyor General for the necessary specification. Then the specification upon the reference, is sent to the Commissioner of Crown Lands. These documents are next sent to the secretary of the Governor or Civil Secretary, who directs the Provincial Secretary to engross the patent; the fees are then levied, and upon the payment of the fees, the Provincial Secretary engrosses. On engrossment being made the Governor signs the patent, and the great seal of the province is attached to it; (this signature is procured by the provincial secretary.) The patent is then sent to the Commissioner of Crown Lands to be audited; at present one of the commissioners audits; this used to be done by the auditor, but the office of auditor has been abolished. When the audit is made, the title is said to be perfected. But unless the patent is audited within six months after the signature, the patent is void, notwithstanding the Governor's signature and the seal of the province.

How long has this system prevailed? About twelve months; before that time the first step was a reference from the Crown Lands Office to the Attorney General and Surveyor General, to prepare draft of patent and specification. When the Surveyor General had prepared the specification, he returned the reference to the Crown Lands Office. The Crown Lands Office then referred it to the Attorney General, to prepare draft of letters patent, the Attorney General sent the draft to the Civil Secretary, the Civil Secretary sent it to the auditor for examination; when the Auditor returned it, the Civil Secretary sent it to the Provincial Secretary for engrossment, the Provincial Secretary engrossed it on parchment, procured the Governor's signature, and attached the great seal of the province, and then sent it to the auditor for audit, who after audit, returned it to the Provincial Secretary, with whom it remains on record.

The old system does not appear to have been much more complicated than the present? It does not, the difference is not great.

What has been the effect of having to refer to so many persons? The total loss of many references, and the papers connected with them in one or other of the offices. There have been cases in which I was referred three times for the same patent, all the papers having been lost twice successively. In some cases the papers were found again, but at too late a period to be available.

Were such losses of frequent occurrence? Yes, in my own experience of eight years as agent for obtaining titles, many instances have occurred.

ically felt from the
has been felt, but it
the settlement of the
e, great inconveni-
of title, and of this
sell with a guaran.

ss of obtaining titles
n ? It does.

after a purchase has
n that the purchase
take possession, but
has paid his first in-
terred by the crown
patent to the Sur-
en the specification
rown Lands. These
ernor or Civil Secre-
ross the patent; the
fees, the Provincial
the Governor sign-
attached to it; (this
The patent is then
ited; at present one
by the auditor, but
audit is made, the
nt is audited with-
notwithstanding the

elve months; before
own Lands Office to
prepare draft of patent
prepared the speci-
Lands Office. The
General, to prepare
e draft to the Civil
for examination
sent it to the Pro-
secretary engrossed it
d attached the great
for audit, who after
whom it remains c

a more complicated
great.

any persons? The
ected with them in
n which I was re-
having been lo-
found again, but

my own experi-
stances have occur-

Did the principal inconvenience consist in such losses of papers?
No; there was also delay arising from the system.

What is the shortest time in which you have known a title to be per-
fected? Speaking from memory, I should say about six weeks.

And the longest time? I think eight years, but I am again speaking
from memory.

Was more than ordinary diligence used in the case of six weeks?
Yes, in such case I obtained an order from the Governor for a special
reference for my patent, to take priority of all others then in the office.

Was ordinary diligence used on the part of the agent, in the case of
eight years? More than ordinary, for it was one of my own cases in
which I used every possible exertion to get the patent through. The
delay was occasioned by the neglect to set apart a tract of country
for clergy appropriations in the district of Gaspé. I have now references
for that section of country which have been lying over for six years
from that cause. A tract has recently been set apart in Gaspé for such
appropriation, and I hope that my references may now be proceeded
with.

What would you assign as the average period required for completing
a title, after the purchase has been completed by the payment of the
whole of the purchase money? I should say full fifteen months.

And with ordinary diligence on the part of the agent? Undoubt-
edly.

What advantage is the system of so many checks supposed to present?
I see none myself; and think that a more simple process might be
adopted. Very serious inconvenience is produced, and I know of no
countervailing advantage.

The present system must be profitable to agents? Yes, so much so,
that speaking as an agent, I should be sorry to see it abolished.

I presume that one of the inconveniences to the public is the necessity
of employing agents acquainted with the labyrinth through which each
reference has to pass? It is. I am satisfied that the present system is
a serious impediment to the settlement of the country, and that no ex-
tensive measure for that purpose can work well, unless the mode of
obtaining titles after purchase be rendered much more simple. Imme-
diate despatch with title is what is required to encourage purchasers, and
prevent uncertainty and discontent. I have been directed by purchasers
to apply for the return of their purchase money from the crown, because
of the delay which has occurred.

Supposing the mode of obtaining a title to be rendered as simple as
possible, would any serious obstacle, in your opinion, remain to the speedy
settlement and cultivation of all the more fertile parts of the province?
Yes; the want of main roads through many parts of the province, as
well as concession or cross roads between main roads, would naturally
deter people from settling in the wilderness.

Do you speak now of wilderness belonging to the crown, or of wilder-
ness the property of private individuals? Of both. There remains in
several townships which are partially settled, a considerable quantity of
Clergy Reserve land and of land ungranted by the Crown: the main
obstacle however, is private land remaining wild, inasmuch as the land
of the Crown is open to purchase, which is not generally the case with
that of private individuals, excepting at too exorbitant a price. So injuri-
ous is the existence of this quantity of wild land in the midst or in the neigh-

bourhood of settlement, that numerous cases have occurred in which a settler, after several years residence upon his property, and having expended in money and labor from £20 to £50 in clearing part of it and building his house, has been driven to abandon the farm and sell it for one-third or even one-fourth of the sum that he had expended upon it. I have myself bought farms which have been abandoned in this way for the merest trifle. One I recollect now, consisted of 100 acres in the township of Kingsey, a beautiful part of the district of Three Rivers, with rather more than twenty acres cleared, a good house and out-houses erected upon it, for which I paid under £30. I could give very many instances of a similar kind where I have either purchased myself or have had a personal knowledge of the circumstances.

Has any remedy been suggested to your mind for the evil of wild land in the midst of settlement?—I have always been an advocate for taxing wild land, and have thought that, unless a tax were imposed the settlement of the country never could go on prosperously.

It would be a tax in the nature of a fine with a view to the abatement of the nuisance?—Yes, that should be its true character.

Would not such a tax be extremely unpopular among the holders of wild land?—I think that at first it might, though not universally so, since many holders of wild land perceive the advantages that would result therefrom. But after the working of such a tax had been experienced, I am of opinion it would become popular. I am also of opinion if the Crown should determine an uniform price for the remaining public lands, it would be expedient, in the event of the non-payment of the tax within some fixed period, say by the end of the second year, that the Crown should resume the land, paying to the grantee half the uniform price then established for Crown lands.

Do you also suppose that the proceeds of the tax should be employed in adding to the value of land, either by promoting emigration or by improving the country?—Yes, if we do not get settlers the large proprietors would complain, saying that it was out of their power to settle their lands. And I may add that, as some might prefer paying the tax to settling the land, I would compel all proprietors of wild land to sell to actual settlers at the then price of Crown lands. Such a plan would, however, require very considerable care in its details.

What do you think of the plan adopted in Upper Canada of selling the wild land in order to recover the amount of the unpaid tax upon it?—I think the practice a most unjust one to individuals, and injurious to the public. I have known land almost given away under that system. Two years ago I employed a person to attend a sale of land brought to market, in Upper Canada, for non-payment of the wild land tax, at which I purchased nearly 2000 acres at the rate of eight pence an acre. Much collusion, I have been told, and believe, takes place at these sales between the buyers, who conspire to prevent biddings. The sale in short, is forced, whether there be competition or not, and the land, as I said before is commonly almost given away. Besides the hardship upon the owner in having so much more land than is necessary, sold to cover the tax; this system interferes with the general sale of Crown property, by bringing land into the market at a lower price than that required by the Crown.

Have you had an opportunity of acquiring information as to the disposal of timber in this Province by the Crown?—I have.

Does the system appear to you to be a good one?—It does not. It

does not yield that revenue to the Crown which it ought, in fairness, to do, and which I believe might without injury to the dealer in timber, be easily derived from it. The practice within these three years has been for the Crown to dispose of licences to cut timber at public sale, by tender and overbid. The upset prices upon timber are determined by the Governor, upon the recommendation of the Commissioner of Crown Lands, and were, until last year, as follows:—

White pine square timber	$\frac{1}{2}$ d per foot.
Red do. do.	1d "
White pine logs of twelve feet for deals.	} 4d each.
Spruce do. do.	
Red pine logs	2d "
	7½ "

At the sales in the last year the price of white pine logs was increased to five pence, and spruce to two pence half penny. This price even now is much less than the Government might fairly ask, not only in proportion to the selling price of that timber in England, but also to its value in the northern continent of America. At a very early period it is certain that there must be a great demand in the United States for Canadian pine and spruce timber.

But the prices you have named are only the upset prices for the tender? I know of no case where an overbid was made upon the tender, except in one instance, and that was by mistake.

Then in point of fact there is no competition at the sale? None; there is a perfect understanding among the buyers that none of them shall bid more than the upset price.

So that in reality the prices called upset, are fixed prices? They are.

And are in your opinion too low, having reference to the value of timber in the markets of Canada, Britain and the United States? Decidedly so.

You believe that there will soon occur in the United States a great demand for Canada timber; upon what grounds do you form that opinion? I visited the United States in the beginning of 1836, for the express purpose of ascertaining at the ports of New York and Boston what encouragement there might be for importation of manufactured Canada timber, and also with a view to ascertain what supply of pine and spruce timber might yet remain in the United States,—with the exception of the State of Maine to the North, on our own border, and of Georgia to the south at a great distance from us, which latter produces an article of very inferior quality, I became satisfied, from very careful inquiry, that very little timber of that sort remains in the States generally, and that even with the two exceptions that I have named, the supply will be exhausted in a few years, provided the demand continue to increase as it has done for many years past, along with the progressive prosperity of the Americans.

Is the quantity of the best kinds of pine, spruce and oak timber the property of the Crown in this province very considerable? I believe it to be so, particularly in the country bordering on the Ottawa, the northern shore of the St. Lawrence, a great distance on the shores of the River Saguenay and its tributaries, on the north shore below Quebec, and in the district of Gaspé; sufficient in fact to supply the demand of the United States for many years to come, and if not sold under prices such as might be easily obtained if better communication was opened with the United States, as to produce a very large revenue.

occurred in which a
ty, and having ex-
g part of it and
n and sell it for
pend upon it. I
in this way for the
res in the town-
Rivers, with rather
and out-houses
give very many
sed myself or have

the evil of wild land
advocate for taxing
e imposed the set-

y to the abatement
r.

ong the holders of
ot universally so,
s that would result
en experienced, I
of opinion if the
ning public lands,
of the tax within
, that the Crown
uniform price then

uld be employed in
gration or by im-
e large proprietors
settle their lands.
ax to settling the
to actual settlers
however, require

ada of selling the
tax upon it?—I
d injurious to the
at system. Two
ought to market,
at which I pur-
re. Much collu-
sales between the
short, is forced,
I said before is
on the owner in
ver the tax; this
ty, by bringing
y the Crown.
as to the dispo-

It does not. It

Even at the present low rate of timber licences, is it not often more advantageous to purchase the land upon which the timber is growing than to purchase a license to cut timber upon it? It is so decided upon all well timbered tracts; I have been employed myself to purchase land with this view. It may be conceived that this is the case, when in the districts where tracts of land are purchased for this object, the price of a license would amount on an average to about 6s. 8d. per acre, and the average price of land is only about 3s. 2d. per acre. You therefore get your timber at less than half price, and have the land remaining when the timber is cut. For example, last year a saw mill proprietor had a timber upon a two hundred acre lot in which I was interested in one of the townships, south of the St. Lawrence, I seized the timber which he had cut, and entered into an agreement with him by which I received fully the rate of 10s. an acre for the trespass on the timber, allowing him to take all he had actually felled.

What is the upset price of Crown Lands in that Township?—For shillings. I bought for myself and others all the Clergy Reserves then open for sale in that Township in 1836, amounting to about 1800 acres at the upset price of 4s. per acre.

If such be the case, however, any such rise as you appear to contemplate in the price of timber licences ought to be accompanied by a corresponding rise in the price of the wild land of the Crown?—Undoubtedly so.

Have you any further remarks to make as to the present system of timber licences?—I wish to state that I think it unfair that the Crown should when they have so few remaining lots in the Townships bordering on the Nicolet, Bécancour, and Gentilly, persist in selling licences to cut timber on their property in that direction. The survey posts are obliterated and the lumbermen cut away without the least regard to private property. There is a suit now pending in the district of Three Rivers, for damages sustained in this way. The Government too is entirely dependant on the honesty of the purchasers of the timber licences, in all the country below the Ottawa, for a fair return of the quantity they may cut under them, the Crown not having any supervisor to count the logs or pieces where the parties cut, and I believe that in many instances they cut much larger quantities than they are allowed to do under the licences.

Can you give any information as to the class of persons who hold private property, the large tracts of Waste Land?—I have prepared myself to answer that question, and I now hand in a list which embraces the greater part of the large proprietors in free and common soccage in Lower Canada. This list is not given as being correct in every particular, but from the knowledge I have of the acquisitions of the principal landholders, I believe it to be nearly so.

List of large Proprietors of Township land in Lower Canada:—

Dunn estate, supposed about	52,000
Frobisher estate,	57,000
Heirs of the late J. Wurtele,	49,000 purchase.
Colonel Plenderleath,	42,000
McGill estate,	38,000
Richardson's estate, represented } by enterprising Americans. }	31,000 purchase.
Honble. M. Bell,	30,000 purchase.
Philomon Wright,	35,000

Estate of Judge Ogden,	30,000
Sir John Caldwell,	35,000
Charles Ogden, Esquire,	25,000 purchase.
Louis Massue, Esqr., represented } by enterprising Americans,	40,000 purchase.
Hart families, different branches,	40,000 purchase.
Messrs. Forsyth and Hatt,	40,000 purchase.
Wm. Vondenvelden,	25,000 purchase.
Estate of G. Glenney,	10,000
Webb and others,	28,000
F. and M. Defoy	14,000
Estate of Wm. Holmes,	14,000 purchase.
Baby family,	10,000
Lindsay family,	10,000
Colonel Heriot,	12,000
D. R. Steuart, Esqr.,	14,000 purchase.
R. Taylor, Esqr.,	17,000 purchase.
Clarke estate,	12,000
Scott family,	11,000
P. Patterson, Esqr.,	22,000 purchase.
J. H. Kerr, Esqr.,	21,000 purchase.
T. A. Stayner, Esqr.,	24,000 purchase.
Blanchet estate,	15,000 purchase.
J. B. Forsyth, Esqr.,	10,000 purchase.
D. Burnet, Esqr.,	10,000 purchase.
Taylor estate,	21,000 purchase.
Felton family,	12,000
W. Gregory, Esqr.,	11,000
Montizambert family,	10,000
Wilson estate,	13,000
Judge Gale, supposed,	10,000
Judge Bowen,	10,000 part purchase.
William Henderson,	22,000 purchase.
Commissary General,	10,000
Gray Estate,	8,000 purchase.
Stewart family,	6,000
Chief Justice Sewell about	6,500 purchase.
Allsopp family,	16,000
Cuyler estate,	6,000
William Somerville, Esq.	3,500 purchase.
James Stuart, Esq.	8,000 purchase.
Lester and Morrogh estate,	4,500
Quebec Bank,	14,900 purchase.
Wm. Phillips, Esq.	50,000 purchase.
Mountain family,	3,000
Estate of General Maclean,	6,000
Col. Robertson Estate,	1,200
Mr. St. Ours,	3,000
Danford Estate,	5,200
Blackwood Estate,	4,000 purchase.
Wm. Hall,	14,000
Sutherland Estate	12,000

L. Knowlton and others,	20,000 purchase.
Stanley Bagg,	4,000 purchase.
Benjamin Tremain,	8,000 purchase.
Honorable J. Stewart,	2,000
Walker family,	2,000
Mrs. Taché,	7,200 purchase.
Green family,	6,000
Stanton family,	3,200
Pozer family,	20,000 purchase.
Robinson estate,	4,000 purchase.
N. Coffin,	2,000
Bigelow,	10,000
Henry Hoyle,	4,000 purchase.
Gilpin Gorst,	5,000 purchase.
Cull Estate,	3,000
Longmore family,	11,000
Rt. Hon. E. Ellice, supposed	30,000
White family,	6,000 purchase.
Revd. Mr. Sewell,	3,000 purchase.
Fraser Estate,	6,000
Mrs. Scott,	2,400
Holland Estate,	4,000
Miss Finlay,	5,000
Mrs. Eliot,	3,000 part purchase.
Estate of James Caldwell,	2,000
J. McLeod,	2,000 purchase.
H. Gowan,	5,000 purchase.
Dr. Skey,	2,500 purchase.
B. Bowman,	4,000 purchase.
Wm. Torrance,	6,000 purchase.
Horatio Patton,	2,000 purchase.
William Patton,	3,000 purchase.
Wm. Price,	4,500
Henry Le Mesurier,	10,000 purchase.
Jacques Voyer,	12,000 purchase.
J. McLean,	3,000
George Hamilton,	3,500 purchase.
Pastorius family,	3,000
Malhiot Estate,	3,000
Judge Pyke and Desbarats,	24,000
Chinic family,	2,000
Armstrong family,	3,000
Trueman Kimpton,	16,000 purchase.
J. W. Wainwright,	3,600 purchase.

What proportion of these 1,400,000 acres do you suppose to be in a perfectly wild state? Certainly a million of acres.

Do many of the proprietors reside upon the land? Six out of the whole number reside upon the land.

Are many of the proprietors absentees from the country? There are I believe thirteen, holding land as follows:

42,000
35,000
10,000
28,000

17,000
21,000
11,000
6,000
3,000
6,000
5,200
5,000
30,000

219,700

Where do the other proprietors generally reside ? Generally in the cities of Montreal and Quebec, and the town of Three Rivers.

Of what class do they generally consist ? Generally of persons in affluent circumstances consisting of the most influential class. I could have added very much to the list by taking in persons of a similar class who hold from two to eight hundred acres.

This is the class of persons upon whom a wild land tax would chiefly fall ? It is ; the poor proprietors are generally settled upon and have cultivated lands.

Of what class are the holders of wild land upon the original tenures whether of French or English origin ? Of late years many men of British origin have bought out the French seigniors and I should suppose that at this moment more than two thirds of the large seigniories are held by persons of British origin.

But of what origin, and of what class in society are the holders of these large tracts of wild seigniorial land ? In affluent or easy circumstances like the proprietors of wild lands in free and common soccage ; I should have mentioned that within the last six years many seigniors, under the provisions of the imperial statute, have changed the tenure of their properties to that of free and common soccage, but these holders of large tracts of wild lands are not included in the list which I have given in.

From your long and intimate acquaintance with the different systems or practices that have been pursued in this Colony with respect to the disposal of Crown Lands and with that which is now in force, do you believe that the settlement and improvement of the country can be effectually promoted without some important change ? I do not think it possible that under the systems or practices which have prevailed, or which now prevail, that any effectual settlement of the country could be made ; but supposing a judicious system adopted, and established by law, so as to be free from uncertainty and with good provisions for the due administration of the law, then I believe that this country would present as fair a field for settlement as any in the world.

John Davidson, Esquire, Commissioner of Crown Lands.

Can you furnish a statement of the grounds upon which all free grants of land have been made since the receipt of the Treasury instructions of November, 1826 ? No, I cannot.

Is there any such account in your office ? Not in our office.

As all such free grants were made upon the recommendation of the Executive Council, is it probable that some record of that sort may be obtained from the books of the Council ? I do not know enough of the proceedings of the Executive Council to state if such is the case, but I should presume that the petition upon which the grants are founded must be of record either there or with the Provincial Secretary.

At all events your office supplies no means of obtaining the desired information ? No further than when the docket of the entry of the patent states the quality of the party, but this is by no means a general thing, and even then it does not state that it is in respect of the qualification, as for instance in respect of officers in the army.

George Herman Ryland, Esquire, Assistant Clerk of Executive Council.

Are applications for free grants of land determined by the Executive Council? They have been hitherto when referred by the Governor to the Board.

Is that course general? Yes; the Governor by his instructions has been obliged to refer such applications to the Executive Council for their opinion. I believe those instructions go so far as to say that no grants shall be made unless by the consent and advice of the Council.

I conclude that a record is kept of the opinion of the Council upon every such application? Yes, upon all those referred to them.

But I understand you to say that all such applications were of necessity referred to the Council? Yes, where the Governor thought the party deserving of the bounty of Government, or that his claim was well founded.

Does the record of the opinion of the Council upon every application contain any statement of the grounds upon which the opinion of the Council was formed? Not in every instance, but as the quantum to be granted was determined by instructions from home, with respect to officers and men of the army, navy, and militia, and as half a lot was usually granted to an ordinary settler, the rank or class of the applicant, (which was generally mentioned in the heading of the report of Council,) may be considered as the grounds on which the grant was recommended. In cases where the claims of the party admitted of a doubt, the committee of Council stated their reasons for granting or rejecting the application.

Will the reasons there be found in all cases except as to officers? In many instances, I think. The letter of reference accompanying memorials where the case of the applicant was not clearly made out, sometimes stated the opinion of the Governor as to the right of the party claiming for a grant of land.

But that is not the point. What I wish to ascertain was whether, excepting in the cases of officers, the records of the Council contain a statement of the grounds upon which the petition was acceded to? Not necessarily in all.

In what proportion do you imagine? That I really cannot say.

Do you believe the record exists as to half the cases? No; certainly not.

Or a quarter? No; I should think not. The memorial would contain the reasons why the grant was asked, and if the Council were satisfied that they were just, a recommendation that the prayer of the petition should be granted, was considered sufficient without recording the contents of the memorial.

What became of the memorials? In most cases where the applications were granted they remained in our office, unless the application was for a patent upon a prior recommendation of the Council, the conditions of which had been complied with. In those cases the memorial was returned to the applicant, when the party proceeded to sue out the patent.

So that in all cases where the land was actually granted, the memorial containing the grants of the applicant's claim was returned to him, no copy being kept in your office. Yes, we keep no copy of the memorials.

L

And except from the memorial you are not aware how it would be possible to learn the grounds upon which the grant was made? No, except from the mention of the rank of the applicant, or from the order of reference which, in any particular case, would contain the grounds upon which the application was made; for instance, if the council had refused the prayer of an application, and the parties praying for a grant had made it appear to the Governor that the Council had come to a hasty conclusion, the reference would probably contain his reasons for submitting it to the reconsideration of the committee.

This last statement however applies to but a very small number of cases? To a very few indeed, the reference is generally placed upon the back of the petition in the following words, "Referred to a Committee of the whole Council, by order of His Excellency the Governor in Chief," signed by the Secretary for the time being.

The present enquiry only relates to cases of actual grants (excluding all cases of refusal) exceeding 2,000 in number, comprising nearly 3,000,000 of acres, of which free grants, a considerable number have been made since a General Order of the Government to dispose of all Crown Lands by sale only. What the Commissioners desire to obtain from you is, the means by which they can have the grounds upon which such grants have been made? By reference to the applications themselves, some of which are lodged in my Office, and I should presume the others are with the Provincial Secretary.

What proportion of them do you suppose are in your office? Very few indeed, since the year 1827.

And as to the others you would refer the Commissioners to the Provincial Secretary? Yes, such applications as are in my Office, I shall be happy to furnish the Commissioners with.

Perhaps you would be so good as to make out a statement of the grounds upon which the applications were granted in all such cases as have been recorded in your Office, either by remarks or by having preserved the original memorial? I should be happy to give the original memorials to the Commissioners, but as to making out the statement they require, I fear that with the limited assistance I have in my Office, it would be impracticable. It would take a great length of time as I must go into every individual case, and compare the reports of Council with the application, besides which my Office furnishes me with very imperfect information.

Do you imagine that the patent office contains any report of the grounds upon which these free grants have been made? I should think it does.

That is the Office of the Provincial Secretary? Yes.

Thomas Allen Stayner, Esquire, Deputy Post Master General of British North America.

How long have you resided in this Province?—Upwards of 25 years. We understand that you are a considerable proprietor of lands in this Province?—Yes, I am a large proprietor both in this Province and in Upper Canada.

You have also visited New Brunswick, Nova Scotia, and Prince Edward Island?—Yes, I am personally acquainted with all the Provinces.

Has your attention been directed to the state of landed property in this Province, occasioned by the manner in which lands, the property of the Crown, have been disposed of to individuals?—From having a large stake in the country, my attention has naturally been directed to a subject of such great importance to my own interests and that of the public in this Colony.

The particular circumstance to which the Committee is desirous of drawing your attention, is the large proportion of land which has become private property, so as to be out of the control of the Government, and yet remains in a wilderness state, operating as an impediment to the communications and to the settlement and improvement of the Province?—This is no doubt a very serious evil, and it is one amongst others of the great causes which have kept this Province in the back ground, and prevented the development of its resources, and I conceive that the primary step in the formation of a general scheme for the actual settlement of the waste lands of the country, should be to remove, or at all events essentially to diminish, the impediments which it presents to any thing in the shape of improvement.

In expressing an opinion of this nature, I am, perhaps, advocating a view of the question which may expose me to the risk of suffering materially in my immediate interests through the application of the remedy which it is probable will be tried by the Government, with the design of abating the mischiefs arising out of the monopoly of large tracts of wild land by individuals, in as much as I am the proprietor of about 50,000 acres of that description of land in this Province; but the conviction has long been pressing on my mind, that I and other large holders, were unwittingly illustrating the fable of the dog and the manger,—and this not only in a direct sense, as regards the immediate profit or loss from the lands, but indirectly also, as the general interests of the Province must suffer through a mistaken or vicious system of managing the wilderness lands, which ought to be looked upon at present as the chief staple of the country.

A circumstance like the following will show how necessarily I have been led to that view of the subject which I am now taking.

Twenty years ago or thereabout, I purchased wild land at what was then considered a low price, in the natural hope that it would be gradually increasing in value, and that whenever I might choose to sell, it would be at such a profit as would afford me a fair return for the use of the money employed: so far, however, from realizing this expectation, I now find after the lapse of so many years, (when the accumulated interest upon the money invested has increased the cost of the land 150 per cent.) I say, I find that I could not, if compelled to sell this land, obtain more for it than it originally cost me.

I do not deny but that wild lands in some parts of the Province, have been sold at a profit within the period cited by me, but generally speaking

there has been no improvement, deserving, of the name, in the price of wild lands as a marketable article for a number of years, nor can any price be quoted now as the actual value of such property.

With facts like the above before me (and they must be familiar to every man in the country, who has been thrown in the way of studying the subject) I say, that I have been convinced we were laboring under a delusion, in fancying that it was a desirable thing to acquire large tracts of wild land, in a province circumstanced as this has been; and consequent upon that conviction I am willing to give my support to any well considered measure, having for its object the forcing of those and other wild lands into actual occupation, and settlement—even with the risk attached to it, that as the holder of a considerable number of acres, which for many years may not be available in the market, I shall be subjected to a large outlay in the shape of fine or tax, which, should the scheme prove a failure, I may never get back. In other words I consider that nothing can be worse than the present state of things (whether with reference to the interests of individuals or the prosperity of the Colony) and that the sooner a reform is taken in hand by the Government, the better for all parties; but though I speak thus decidedly of the necessity of introducing some system which shall tend to the settlement of the wild lands, now in private hands, I mean as decidedly to say that I would not recommend any coercive or penal measure against proprietors, except I were assured that *pari passu* with the progress of such measure, a plan of emigration on an extended, liberal, and permanent footing should be put into action, and that the funds which I contemplate as accruing from the fines upon wild lands, should be expended in bringing out emigrants, and in making practicable and durable roads through those parts of the province (so far as can be done) whence the revenue is derived.

I would bargain for a full and continuous stream of emigration to the province, and for the actual settlement of the emigrants thereon, as well as for the opening of good roads—otherwise the tax upon wild lands would be felt as nothing better than a robbery, the ultimate effect of which would be what is now witnessed in Upper Canada through the operation of the wild land tax there, namely the wresting of the land from the original owners, and suffering it to fall (in larger masses) into the hands of speculators, who, purchasing it for a mere trifle, can afford to keep it for many years in an unimproved state, and until it suits their convenience to sell it; thus defeating the main object of the Government in imposing the tax.

In employing the land tax revenue for the objects to which I have adverted, I beg to say that instead of waiting for the gradual accumulation of a fund from the actual receipts of the assessment (a tedious and objectionable process in the circumstances of the country) I would recommend the securing of such a sum of money in loan, upon mortgage on the taxes as would enable the Government to go forward with its plans promptly and vigorously; and I would further recommend that the funds derived from the sale of the Government lands and timber should all be directed to this same great object, as one upon which the ultimate prosperity of the country, as a dependency of the British Crown, mainly depends.

What scheme of taxation would you suggest as best suited, in your opinion, to work out the improvements which you admit to be so much required? It is a very difficult task for me to give such an opinion on

in the price of
s, nor can any

familiar to every
of studying the
aboring under a
quire large tracts
een ; and con-
support to any
g of those and
even with the
number of acres,
ket, I shall be
ich, should the
ords I consider
(whether with
of the Colony)
overnment, the
of the necessity
ent of the wild
at I would not
rietors, except
measure, a plan
oting should be
accruing from
out emigrants,
ose parts of the
ived.

igration to the
iereon, as well
on wild lands
timate effect of
ough the opera-
the land from
into the hands
ord to keep it
it suits their
f the Govern-

which I have
d accumulation
a tedious and
ntry) I would
upon mortgage
ward with its
mend that the
timber should
h the ultimate
rown, mainly

sulted, in your
o be so much
an opinion on

this question as would be satisfactory to myself ; there are many conflicting circumstances to be weighed and decided upon, and after all, any plan that can be tried, will be but an experiment, the working of which may be materially influenced by causes which have not yet been contemplated.

It appears to me, however, that a main point to keep in view in legislating upon the question, is the cost of wild land in the United States ; we should endeavor to make the settlement of wild land in this and the other provinces fully as advantageous to the settler, as it is in those states, otherwise we shall assuredly lose the greater number and the best description of our settlers after being at the expense of bringing them out. The measure of the tax upon unimproved land therefore ought to be in exact proportion to the value of the land itself, and the value of the land should be in a great degree estimated with reference to the price at which wild land can be purchased in the United States for ready money.

My idea is, that a tax of a half penny currency an acre, would be a proper sum for the first two years. If not then paid I would double the rate, making it a penny an acre for the whole of the unpaid time and for non-payment at the end of these two years, I would again double the rate, making it two pence an acre per annum, for six years ; thus, for six years unpaid taxes on a lot of two hundred acres, the aggregate dues would amount to £10 and if not then paid, I would sell the land.

I have heard it said, that instead of putting the land up to public sale for payment of the taxes as is done in Upper Canada, it would be better that Government should take such portion of the lot as at a prescribed value would liquidate the claim ; this plan appears to be more indulgent to the owner of the land, but, I do not think it would answer a good purpose, as the effect would be to throw a great number of *fragments* of lots into the hands of Government, which would be utterly unavailable. Another and perhaps a better plan than either of these would be for the Government, at the end of six years, to assume the whole of the lot at a reduced price, say at one half or one third the Government, price paying the proprietor the difference between the purchase money and the amount of the tax.

As regards emigration to these provinces, will you be so good as to throw into a condensed shape any ideas that may have struck you as calculated to advance the great object in view,—that of the actual occupation and settlement of the land by a loyal and industrious population ? I have long been of opinion that the great want of success which has attended so many attempts at settlement in this and the other provinces, is occasioned by so many poor emigrants upon their first arriving in the country undertaking the management of wild lands and depending upon the produce thereof as a subsistence for themselves and families ; many of these poor people have little or no agricultural knowledge even in a general way, and they are *all* ignorant of the husbandry practised in the country, the consequence is, that after getting into the "bush" as it is called, they find themselves beset by privations and difficulties which they are not able to contend with, and giving way under the pressure, they abandon their little improvements to seek a livelihood elsewhere. Numbers resort to the large towns in the provinces with their starving families, to eke out by day labor and begging together, a wretched existence, whilst others of them (more enterprising) are tempted by the reputed high wages and more genial climate of the United States, to try their fortunes in that country. Now and then some individual better gifted

and possessing more energy of character than the mass of the adventurers who arrive, will successfully contend with those difficulties and do well for himself and family, but the proportion of such is small.

I look upon it that capital is quite as necessary to the successful settlement of the farmer in this new country, as it is in England, tho' upon a smaller scale; and that without a capital or an equivalent for it, the greater proportion of adventurers will altogether fail, or succeed in so imperfect a degree that the result is of little benefit either to themselves or the country: I would therefore, if only from a feeling of humanity discourage the indiscriminate cession of wild lands to new comers without capital: it is far better for themselves and the country that they should labor as servants for a few years until they have acquired a stock of knowledge together with money sufficient to enable them to contend against the difficulties by which the inhabitants in the new settlements are sure to be assailed. Such an arrangement as would oblige the poorer class of emigrants to labor for a few years as servants, before undertaking the management of farms on their own accounts, would operate beneficially in another respect—that is, it would afford to those settlers who have capital to work with, the means of procuring labor at a reasonable cost, which it is notorious cannot now be done. In fact the extravagant wages demanded by agricultural laborers in this province at present must eat up all the profits of the farmer. In laying down a scheme for emigration to the provinces on an extended scale, I should say that great efforts ought to be used to bring out a considerable proportion of practical farmers possessing capital; I conceive that such people might be induced to come out in greater numbers than they have hitherto done, upon proper representations, and holding out to them due encouragement. The formation of good roads throughout the tracts of country open to settlement, connecting the same with rail roads and with steam navigation, would operate as a powerful argument with such people to fix their fortunes in the country. As to the poorer classes—they should, as far as practicable, be newly married couples, without the incumbrances of the old and infirm—the paupers and worn out pensioners which have hitherto constituted a considerable portion of the annual arrivals from the British Isles, have operated as a heavy clog upon the prosperity of the country. I would induce as many of those newly married couples, or young unmarried people, as possible, to come out, finding them a comfortable passage in the first place, and holding out to them further encouragement for continuing in the province and conducting themselves well. They should come out under a bond to remain in the country for at least three years, during which period they should be under the protection of the commission appointed for carrying out the object, (for I am pre-supposing that such a commission will form part of the new system.) I would apprentice out to respectable farmers and capitalists, such of the new Comers as were willing to enter into an engagement of that nature, giving them the benefit of the wages agreed upon, and holding out the promise of a bounty of £— to such of them as should conduct themselves creditably during the term of apprenticeship. The opening of the roads which I recommend as an essential feature in the proposed system, will afford employment for great numbers of the poorer classes, who cannot be disposed of as farm servants. I would arrange with them that a portion of their wages should be retained in the hands of the commissioners for the first

three years, upon the principle of a savings bank, allowing them five per cent. interest therefor. I think that this would not only please the people and win their confidence, but be the means of providing them at the end of the term with a fund, from which they might pay an instalment upon the purchase of 100 acres of land, and commence farming on their own account. I would also apply this system of saving a portion of their wages to those emigrants who may be apprenticed as farm servants. I am persuaded that this plan, (if it can be matured,) will tend to happy results.

What country people appear to you to make the best settlers in these provinces? The lowland Scotch and the Irish, are in my opinion best suited for encountering the privations and hardships to which new settlers are almost invariably exposed: they are frugal in their habits, hardy, and for the most part industrious—the Irish above any people, most readily conform to the new habits of life and of labor which obtain in the provinces, and it is found also that instead of the recklessness which is generally considered as belonging to the Irish character in their own country they become careful of their earnings and go on progressively improving their circumstances. The English agriculturist, (if a poor man,) is seldom so well fitted for becoming a good settler as either the lowland Scotch or the Irish; he can neither live so frugally, nor does he bear his change of circumstances with so much cheerfulness as the others; this observation applies as well to the women as to the men. The Germans and Dutch, if located in bodies, become very good settlers. In Upper Canada and on a more extensive scale in the United States, they have succeeded very well; they are sober minded and plodding people, not prone to change.—I should like to see an extensive importation of these people, and of the Swiss also.

Having regard to the government price of land in the United States, to which you have already adverted, and to other circumstances which you may consider as bearing upon the question, what value do you think should be affixed to the waste lands of the crown in the province? Besides the price of lands in the United States, I must in answering this question have regard to the large quantities of land in the provinces held in private hands, much of which is choice land, and in locations most favorable for settlement—there are perhaps a million and a half of acres of wild land in the possession of individuals—many of whom it is supposed would be willing to sell at what may be called a low rate for cash, say for from 4s. to 7s. 6d. currency an acre. Whilst so much land is held in this way, it will naturally influence any arrangement for the disposal of the waste lands of the crown. Wild lands vary in value very materially, as well from the quality of the land itself, as from its situation, but there is also another circumstance connected with the question of fixing a value upon the waste lands of government, which it may be well to bear in mind—that is the Timber upon it. Until very recently the timber, as an article of commerce, was not taken into consideration, either by government or by private individuals, but it is now otherwise. Our American neighbours have discovered, to their astonishment, that their own resources for pine timber are nearly exhausted, and they are looking with great interest to the lands in Lower Canada and New Brunswick, which possess that valuable article. In the year 1835, speculators from the States of Maine and New York came into this province, and purchased about a million of acres of land, said to be

wooded with pine and spruce, and there is no doubt but that for the financial difficulties which befel the whole of the United States at the close of the year 1835, and commencement of 1836, much more extensive acquisitions of pine and spruce lands would have been made by the Americans—the disposition to acquire those lands is only temporarily suspended, and it is quite probable that in four or five years more, the passion will return as strongly as ever. Now, according to the scale by which the Americans estimate such lands, they may be considered as worth from two to six dollars per acre—*merely for the Timber!* the question may therefore be whether this consideration is to constitute an element in the scheme to be devised, and if so to what extent,—it should be borne in mind also that the land most valuable for timber is seldom of great value for agricultural purposes. Setting aside for the moment the pine and spruce lands, I do not think that a higher rate than 7s. 6d. currency an acre can be put upon the lands of the crown.

Would you limit the quantity of land to be sold to either settlers or speculators? I think it would not be possible to do this if you sell for ready money, and any other principle of sale would in my opinion only tend to perpetuate and increase the evils under which we are now laboring.

Mr. Andrew Russell.

You are a land surveyor and have been regularly employed by the government since 1830? Yes, chiefly in the townships, in the counties of Megantic and Sherbrooke.

With what township are you most particularly acquainted? With the townships of Inverness, Ireland, Nelson, Halifax, Leeds, and Wolfstown, where I have been employed for many years surveying, and in one of which I held a farm.

That district is considered one of the most fertile in the province, is it not? It is equal to the other eastern townships, which are regarded as the finest part of the province.

Be so good as to describe the state of that district, with respect to the degree of settlement that has taken place there, the proportion of land that has become private property, the land which remains the property of the crown, and the proportions in which land, private property, has been cultivated? In the township of Inverness, which consists of nearly 68,000 acres, leaving after the deduction for highways about 61,600 of grantable land, there are only 6,200 acres undisposed of, being chiefly the remainder of the Crown and Clergy Reserves, the first grant in this township was to Mr. McGillivray, who, I believe, was one of the partners in the north west company, of a quarter of the township, exclusive of the Crown and Clergy Reserves, comprising 11,550 acres, Mr. McGillivray the same year transferred this right to Mr. Frobisher, another of the partners who granted 200 acres of land each to two Americans, who settled in the township in the year 1806. These Americans cleared from 60 to 70 acres each, and are at present living upon these farms. From that time till the year 1824, nothing was done in the way of settlement in this township, though what are termed settlement duties, i. e. the clearing of 4 acres of land, and the erection of a log hut, were performed by different individuals upon grants which they had received from the crown. Between 1824 and 1827, three or four individuals established themselves upon grants from the crown, and made small clearings. In 1827, my father was appointed agent for settling the townships, and he located upwards of thirty families upon new grants. He was empowered to grant 100 acres of land to any British subject of good character, who actually settled upon the land; so that in the month of July, 1829, when I became agent for the commissioner of crown lands, there were forty-two families in the whole settled in the township; they had cleared 473 acres, had erected forty-one houses, fourteen barns, and eighteen stables.—Between 1829 and 1833, I located about 150 families, upon 100 acre lots each, purchased on quit rent. In addition to these there were about twenty families who purchased from one hundred to two hundred acres each, the purchase money to be paid by four yearly instalments. There were also twenty families from the Island of Arran, Tenants of the Duke of Hamilton, to whom a gratuitous grant of one hundred acres each family and five hundred acres to the leader was made. There have also been some few settlements made by the Commuted Pensioners, to whom 10,000 acres of land was allotted in this township but not more than one sixth of them have settled upon their land. Concurrently with these settlements upon crown lands, there were settlements going on upon the land which had been granted to Mr. McGillivray and others. Some of the settlers have, from time, to time sold out from their settlements, and the

N.

whole number of families at the present time settled in this township is about two hundred and twenty, making upwards of eight hundred souls. Of the lands disposed of by the crown in this township 41,100 acres are at present occupied by actual settlers. Out of the 55,400 acres which have become private property, there are about 4,800 acres or about one twelfth of the whole cleared and under cultivation, being in the proportion of rather more than twenty-one acres each family.

What roads are there in this township, and what is their present condition? The Gosford road, commenced in 1830, passes through the centre of the township, but it has never been completed, and is in a very bad state of repair; the Craig's road passes along the south east boundary, but it is also in a bad state of repair: there are bridle roads on the different concession lines. During a considerable portion of the year though, only at the distance of between forty and fifty miles from Quebec, the settlers in this township can only reach that town on foot by a long detour to get into the Craig's road, which, though bad, is not actually impassable, but which makes the distance from sixty to seventy miles.

Will you proceed to describe in a similar manner the history and condition of the other five townships which you have mentioned? In the township of Ireland, which is assumed to contain about 64,000 acres, or deducting the allowance for high-ways 58,000, (but the true contents of which cannot be known until the survey has been verified,) there remain at the disposal of the crown about 15,000 acres including the clergy reserves. The first grant in this township was in 1802, to the Mr. Frobisher, (to whom, as I have mentioned Mr. McGillivray transferred his quarter of the township of Inverness,) of a quarter of the township or 11,550 acres. Settlement was commenced upon that grant as early as 1805, Mr. Frobisher, located upon it about twelve or fourteen families, erected a mill, and made a road from Dudswell to the settlement, a distance of 30 miles; from this time to 1820 no new settlements were formed: from the latter year to the present time settlers have occasionally established themselves in the township. A grant of about 4,000 acres in the whole was made to commuted pensioners, of whom about one sixth only have settled. Of the 43,000 acres which have been disposed of by the crown the whole of which, except seven hundred acres sold on quit rent and six hundred and three on instalments, has been disposed of by free grants, there are about 13,000 acres occupied, of which probably the half are in the grant made to Mr. Frobisher. The number of families settled is about eighty, comprising 400 souls. The land cleared is about 3,100 acres, about one fifteenth part of the whole amount which has become private property, and about thirty-eight acres to each family. The road to Dudswell made by Mr. Frobisher, is at present nearly impassable, and is used only as a cattle path. The only road from this township to Quebec, is the Craig's road. There is a road from Ireland to Shipton, which is generally very bad and which is crossed by two considerable streams, from two hundred to three hundred feet in width, over which there are no Bridges. In the township of Halifax which is assumed to contain 68,000 acres or 61,600 deducting the allowance for highways, there remain at the disposal of the crown about 12,000 acres including the Clergy reserves. The first grant in this township was in 1802, of 11550 acres, or a quarter of the township to Mr. Jobert, who transferred his grant to Mr. Frobisher. Upon this grant, only one settler was located about 1805. In 1806. there was a grant of 11245 acres to Mr. Scott. Upon this grant some

this township is
ht hundred souls.
41,100 acres are
acres which have
about one twelfth
ne proportion of

is their present
asses through the
and is in a very
h east boundary,
idle roads on the
the year though,
om Quebec, the
by a long detour
ally impassable,

s
he history and
tioned? In the
64,000 acres, or
true contents of
1,) there remain
ding the clergy
802, to the Mr.
y transferred his
the township or
as early as 1805,
amilies, erected
nt, a distance of
re formed: from
ally established
es in the whole
sixth only have
of by the crown
n quit rent and
sed of by free
robably the half
milies settled is
out 3,100 acres,
me private pro-
ad to Dudswell
nd is used only
ce, is the Craig's
generally very
m two hundred
Bridges. In the
0,000 acres or
remain at the
Clergy reserves.
es, or a quarter
Mr. Frobisher.
05. In 1806.
his grant some

squatters established themselves some time before the year 1828, and the land which they had cleared was purchased from Mr. Scott, by some settlers who arranged with the squatters, and established themselves upon their improvements. In 1831, ten or twelve families settled upon the Frobisher quarter, and a few commuted pensioners: about the same proportion of those to whom land had been granted, as in the other cases I have mentioned, also settled in the townships. Within the last three years about forty French Canadian families from the neighbouring seigniories of St. Mary, St. Joseph and Lotbinière, have gone in and squatted, principally on the Frobisher tract. The number of families at the present time is between 50 and 60, consisting of about from 250 to 300 souls. There are about 3000 acres of land occupied, of which there may be about 720 acres cleared, or a little more than the seventieth part of the land disposed of. The only road in this township, with the exception of six bridle roads between the concessions, is the road from Ireland to Shipton. I was engaged in 1833 to trace a line for a road from the settlement in Inverness to Shipton, which would have passed through the centre of this township, but it was never made: so much of the land belonged to private proprietors, that the government did not think it worth while to incur the expense, although the line of road marked out was very favorable, and would have shortened the present distance from Shipton to Quebec, by about ten miles. In the township of Wolfstown, consisting of about 68,000 acres, 61,600, after deducting the allowance for highways, there remains at the disposal of the crown 34,300 acres, including the clergy reserves. In 1802, the north quarter of this township was granted to Nicholas Montour: this quarter has since passed through several hands, and is now, I understand, the property of the Quebec Bank. Nothing has ever been done to settle this township, though the settlement duties have been performed; and I believe that there is one person established upon it, who is a squatter. The Dudswell road from Ireland to Dudswell passes through this township, but it is impassable, except during a short period in the most favorable season of the year. The population of the township consists of seven individuals, constituting the family of the squatter I have mentioned, and eighteen acres have been cleared by him; being about the 2000th part of the granted land. In the township of Leeds, which was supposed to contain 62,000 acres, or 56,000, exclusive of the allowance for highways, but the real dimensions of which, owing to an error in the survey, amount only to 52,800, there remain at the disposal of the crown about 3,000 acres of clergy reserves. The crown, in this township, has disposed by grant and sale, of more land than it actually possessed, since proceeding upon the assumption that the original survey was accurate, it has proportioned its grants to the assumed dimensions of the township. The first grant in the township was of the south west quarter to Isaac Todd, who transferred it immediately to Mr. Frobisher. In 1812, 8,002 acres were sold to Mr. Hamilton; but a year before that, a settlement had been made by Mr. Palmer, and some others upon that land, which had been granted to them under location tickets; from that time to 1819, nothing was done in the way of settlement. From 1819 to the present time, settlers have been gradually establishing themselves in the township. Of the land disposed of by the crown, 5,900 acres have been sold upon quit rents, and 1,000 acres upon instalments 5,800 acres have been granted to commuted pensioners, of whom about the same proportion as

in the other townships, have settled themselves. The population at the present time consists of 120 families, making about 550 souls; the land occupied is about 32,900 acres, and the land cleared about 5,200 acres, rather more than one tenth of the land granted. The Craig's road passing through the township is very rough and hilly, and in a bad state of repair. There is also a road called the Broughton road, leading from the Craig's road to the township of Broughton, which is in a very bad state, almost impassable, and there are bridle roads upon the different concessions. In the township of Nelson, comprising 54,600 acres, or, deducting the allowance for highways, rather more than 50,000 acres, there remain about 12,000 acres of crown and clergy reserves yet to be disposed of. The whole of this township, with the exception of the crown and clergy reserves, was granted in 1804, to the officers and privates of the Canadian Militia who served in the year 1775. Nothing in the way of settlement has been done upon this grant. About 1,200 acres of crown and clergy reserves have been sold upon quit rent, and 250 upon instalments. The population consists of 12 families, or about 50 souls; the quantity of land occupied is 1,250 acres, which have been sold; and about 100 acres, rather less than a 400th part of the land granted, have been cleared and cultivated.

Do you know if the whole or any part of the 38,000 acres granted in this township to the Canadian Militia remains in the hands of the original grantees? I am not aware. There have been a few settlements made upon these lands within the last two or three years by squatters, but I am not aware of the extent of these improvements. The only road passing through this township, is the unfinished Gosford road, and there are a few bridle paths.

Are you acquainted with the condition of the township of Somerset, which adjoins to the township of Nelson? It is wholly unoccupied, to the best of my knowledge; though there may be some squatters of whom I have not heard.

Are you aware that in that township also nearly 39,000 acres of land, being the whole township, with the exception of the reserves for the crown and clergy were granted in 1804, to the officers and privates of the Canadian Militia? I am.

And in both of those townships the whole of the land so granted remains totally waste and unoccupied, unless perhaps by mere squatters? Yes.

Can you mention any other instances of townships in which large grants of land have been made by the crown at a distant period, but where nothing has been done by the grantees to improve the land so granted? There are many such. In Chester a grant of 11,550 was made in 1802, to Simon McTavish, Esq. who transferred the grant to Mr. Frobisher. Upon this grant there is now only one clearing of about 30 acres, which was made before the last American war, by a person of the name of Moffatt, who has since abandoned the farm. In the same township there was another similar grant of 11,707 acres made in 1805, upon which there is only one resident, a squatter, of the name of Goodhue, who has about 25 acres cleared, and a house and barn. In the township of Ham, too, of which a considerable portion has been granted by the crown, there is not a single settlement, though upon some of the grants settlement duties have been performed. In Clifton, where upwards of 40,000 acres were granted as early as 1803, there are at the present time only about

twenty families located, some of whom upon land they have purchased from the crown since 1827, and there may be about 500 acres cleared. In Dorset, where 53,000 acres were granted to Mr. Black, in 1799, there is not a single settlement; the land in this last township is of rather inferior quality.

population at the
550 souls; the
ered about 5,200
The Craig's road
and in a bad state
oad, leading from
h is in a very bad
pon the different
54,600 acres, or,
an 50,000 acres,
eserves yet to be
exception of the
the officers and
1775. Nothing
t. About 1,200
n quit rent, and
12 families, or
250 acres, which
a 400th part of

acres granted in
ids of the original
settlements made
squatters, but I
e only road pass-
d, and there are

hip of Somerset,
ly unoccupied, to
quatters of whom

0 acres of land,
ves for the crown
ates of the Cana-

and so granted re-
mere squatters?

which large grants
riod, but where
and so granted?

as made in 1802,
Mr. Frobisher.

30 acres, which
of the name of
e township there
05, upon which
oodhue, who has
ownship of Ham,
the crown, there
rants settlement
s of 40,000 acres
time only about

Tabular view of the State of the Townships of Inverness, Ireland, Leeds, Halifax, Nelson, and Wolfstown.

Name of the Township.	Superficial contents in acres, exclusive of highways.	No. of Acres disposed of.	Of which there are occupied by actual settlers.	And Unoccupied.	No. of Acres un- disposed of including Clergy lands.	No. of Acres cleared and cultivated.	Proportion of land cleared.	No. of Families residing in the township.	No. of Inhabitants in do.	Average No. of Acres of cleared land to each Family.	Average No. of Acres of Land occupied by each Family.
Inverness.....	61600	55400	41100	14300	6200	4800	1-11th	220	800	21	
Ireland.....	58000	42800	13000	29800	15200	3100	1-14th	80	400	38	
Leeds.....	52500	49300	32900	16400	3200	5200	1-9th	120	550	43	
Halifax.....	61600	49600	3000	46600	12300	720	1-69th	55	275	13	
Nelson.....	51526	39678	1252	38426	11848	100	1-396th	12	50	8	
Wolfstown.....	61600	27300	100	27200	34300	18	1-1516th	1	7	18	
	346826	264078	91352	172726	82748	13938	1-19th	438	2082	28 $\frac{1}{2}$	186

You have been employed in making a military survey in this province ?
Yes, I have ; I was directed by Sir John Colborne to make a survey of the frontier townships, opposite to the State of Vermont, which I have done from the township of Potton to the Connecticut river, a distance of about 50 miles.

Were you also brought into communication with the inhabitants of the State of Vermont, bordering on the frontier? Yes, I was; I frequently entered the State of Vermont, and people from that state were continually at Stanstead plains where I was stationed.

It is understood that you have acquired considerable information as to the state of the landed property, as well that of the crown, as of individuals, in these townships,—will you be so good as to describe their condition in that respect? These townships are settled with a population of from thirty families and upwards, to a township of a hundred square miles. Even in those that are thus settled, the inhabitants are very insecure, both as to the title to their property, and in the attachment to the country, from the circumstance of their not having titles to the land they occupy, or to the improvements which they have made upon such lands. In the frontier townships, they consist for the most part of squatters, who have settled upon the land without any titles, and are without the means of knowing to whom the land really belongs; and under these circumstances they naturally imagine that a revolution in the government might give them a title to the land they occupy.

Does this description apply to the whole of the frontier townships? To

the whole of them, with the exception of Stanstead, which has been long settled, and is better known, and where the limits of property are better ascertained : though, even there, to my knowledge, suits are pending to eject men, who, from their industry, have acquired considerable property.

Has any remedy for this suggested itself to your mind ? Seeing the mischievous effects of this system during the recent rebellion, when the inhabitants of the frontier townships were very much implicated, I turned my attention to the subject, with a view to some efficient remedy, and upon the fullest inquiry and deliberation, it appeared to me that the only way of quieting such mischiefs, is to pass, as in many of the United States, what is called a selling act, by which in one way or other actual settlers are ensured the fruits of their own industry. This, I understand, is done in various ways in different States ; in some, by allowing the actual settlers to purchase of the legal proprietors at the price of adjoining wild lands ; in others by preventing the legal proprietor from ousting the settler, until he has paid for his improvements at a valuation.

Do you consider such a settling act essential to the security and well being of the frontier townships ? Without some such law, persons so circumstanced, can not feel themselves to have such an interest in the country, or in the maintenance of its government, to be considered as safe or good subjects.

Do not these occupiers without a title consist chiefly of Americans however ? With few exceptions, they are persons who have come from the United States.

Are the inhabitants of these frontier townships exposed to any other inconveniences which indispose them to the actual government ? Persons upon first coming into a wild country, like those whom I have just mentioned, have no means of communication with each other, or with a market town, but by roads made and kept in repair by their own exertions ; they are frequently miles asunder, and are separated by wild lands, not having acknowledged proprietors, to whom application could be made to assist in what is absolutely necessary to advance the settlement of a new country, such as the making of roads. They are therefore obliged to avail themselves of any means of communication that may exist, and people living in different parts of Canada are frequently obliged to pass in and out of the United States to communicate with each other or their county town, and even to go to church by means of American roads.

This naturally leads to comparisons injurious to the Canadian side of the frontier ? Yes, and to discontent on the Canadian side.

What then can induce Americans to settle on the Canadian rather than the American side of the line ? The land is decidedly better in the townships than in the State of Vermont, and the people also would prefer the Canadian Government, if they had the same encouragement to improvements that there are in the United States, being very sensible of the benefit of this government, from its not requiring them to pay taxes. Many of the settlers who come in, not being able to get any title to the land they occupy, never become a fixed population. They clear a few acres to take the benefit of a new soil : they never fence, or take out stumps, or manure, but change from place to place, and may be looked upon as a kind of gipsy race, and ready to join in any mischief that may be going on.

h has been long
property are better
are pending to
considerable's pro-

? Seeing the
ellion, when the
licated, I turned
t remedy, and
me that the only
ay of the United
or other actual
is, I understand,
y allowing the
price of adjoin-
or from ousting
uation.

curity and well
law, persons so
interest in the
e considered as

of Americans
have come from

l to any other
l government?
whom I have
h other, or with
their own ex-
arated by wild
plication could
nce the settle-
ey are therefore
tion that may
quently obliged
ith each other
s of American

Canadian side of
le.

ian rather than
ter in the town-
ould prefer the
nt to improve.
ensible of the
to pay taxes,
ny title to the
ey clear a few
, or take out
may be looked
mischief that

Are you aware that immediately after the last American war, the provincial government was instructed to prevent as far as possible the settlement of lands, and the making of roads, near to the American frontier, under the idea that a belt of desert land between this country and the United States, would be a means of defence and security? I understand that such was the opinion after the termination of the last war, but the system has been altogether inefficient, which is completely proved by the fact that the frontier townships are chiefly settled by people from the United States, who have spread themselves into the second and third range of townships, and would no doubt come to the St. Lawrence, if lands were procurable on the terms on which they have occupied the frontier wilderness, that is to say, without payment, and this would of necessity be the effect of a neglect to settle these lands.

Does it not occur to you, that by enabling these squatters to get secure possession of the lands they occupy, the practice of squatting by American citizens might be encouraged for the future? There are a considerable number of American citizens who are desirous of becoming British subjects to escape local taxation, and who would make excellent pioneers: these persons would buy wild lands at a fair price, and having improved them, would dispose of them again, for what would be considered a good price by them, but which would be easy to an English settler unaccustomed to the use of the ax, and to the privations of a forest life.

Then if a good title were attainable to new lands, upon easy terms, you believe that the inducement to squatting without a title would be removed? Yes, there can be no doubt that such would be the case, these persons would then be able to bring their improvements to the open market. They are now selling improved lands under the name of betterments for a nominal value, on account of not being able to give a title.

What are the present obstacles to settling upon land in these townships, by purchase whether from the crown or from individuals? The first difficulty is in the inability to discover the owner of the property upon which he wishes to settle, that is, whether it be the property of the crown or individuals. There are no marks at present for lots or ranges of land, and great expense would attend ascertaining the actual position of any lot marked in the map. For although these lots are very nicely defined on paper, I see no way by which a spot can be determined to be in one lot or the other by any process available to a surveyor. This more particularly applies to the townships, of which I have been speaking, and which have many miles without a settlement. Another obstacle is, that from the wild state of the country at present, and the want of means to ascertain particular lots, after all possible care has been taken to discover a lot of ground, it will in all probability at a future day be found to be greatly out of its supposed position. Townships have been found to want a whole range when a more accurate survey has been made in consequence of its becoming more valuable. Another obstacle which they have to encounter, is the terms upon which alone they can obtain land. They might be able to pay instalments but they have not the means of paying the money down. The land company is an exception to this, but this Company has but a limited range.

Do you consider the townships of Lower Canada as highly eligible for settlement? They are particularly so. Men have acquired a very handsome independence, who have started without anything but their axes and who are now alive to tell their story. They would form a re-

markable fine grazing country. They are intersected in every direction by rivulets, streams, and lakes. The farmers only want an outlet for their produce to extend the growth of it, or to extend the heads of cattle to any amount. They feel the want of this outlet, and they have applied to the House of Assembly for an act permitting them to make a rail road to the St. Lawrence, but the application was refused. They are paying five shillings per cwt. either way to the nearest market for the transport of their produce, and they cannot compete with the Americans living on Lake Champlain, who, without waste of time, or any considerable expense, supply the market, which would naturally belong to the eastern townships, if their enterprise was allowed fair play. The natural features of the country, notwithstanding these circumstances are such, that the people are in independant circumstances and living comfortably, but cannot extend their industry and enterprise much beyond individual wants, and therefore the townships have been prevented from advancing as they might have done. The climate is particularly fine and healthy, and improvements are going on, but not in the proportion they might. The townships are naturally a splendid country, and this is not my opinion only, but that of the oldest and most intelligent residents generally, and that nothing is wanting to make a high degree of prosperity there but a cheap and expeditious communication with the markets and shipping of the St. Lawrence.

Would not such a communication with the St. Lawrence add greatly to the value of land generally in the townships? It would do so of necessity, and in all probability nearly double the value. Of course the degree of benefit would depend upon the vicinity of the rail road, but other roads would immediately follow the making of a main road, and thus diffuse the benefits over the whole country.

What is the course of the railway which the people of the townships would have made if the government had not prevented them? The line most favourable would be from Stanstead plains to Sherbrooke, for which the country is very suitable, a distance of forty miles. From Sherbrooke it would follow the course of the river St. Francis to port St. Francis on the St. Lawrence, which would be convenient to the markets of Montreal and Quebec. The whole distance of the railway is 110 miles. From the best opinions I have been able to collect, the cost would be about £5000 per mile, or about half a million for the whole distance. This expenditure would in my opinion add so greatly to the value of the lands through which the line passed, that the proprietors would do well to furnish, at once, at least £100,000 of the proposed outlay, as no more than equivalent for immediate benefits that would arise to them.

Honorable Dominick Daly, Secretary and Registrar of the Province, and Member of the Executive Council.

How long have you resided in this country? Sixteen years.

You have I believe had occasion, both as an individual and officially, to become acquainted with the evils which result to individuals and the public, from the great extent of crown land which has become private property, and yet remain in a wild state? I have.

Be so good as to describe them? It has most decidedly prevented the settlement of emigrants in many instances, it has rendered persons already settled, extremely discontented, from the difficulty of obtaining the necessary internal communications; in some instances settlers of many years standing are obliged to cross the line of the American frontier, and by a circuitous route through the State of Vermont to obtain access to other places, within the province, which they may have occasion to visit.

They go round by the State of Vermont in order to make use of the American roads? They do, not having any of their own; the vicinity of the forest is also very injurious to settlers, by harbouring wild beasts, and making it impossible for them to keep sheep in particular.

But the main objection is the quantity of private land remaining wild, is the impediment which it places in the way of making roads great? Decidedly.

The quantity of land in this situation is very great? It is very great; the evil is felt more or less almost throughout the province, as well in the seigniories as in the townships, but particularly in the vicinity of new settlements.

The seigniors hold a quantity of land which remains wild? A very general subject of complaint against the seigniors is the difficulty of obtaining further concessions of the wild seigniorial lands upon reasonable terms.

And some of them under the Canadian Tenures Act have commuted their seigniorial tenure into free and common socage, whereby as to the unconceded part of their seigniories they have escaped their seigniorial obligation of conceding lands upon certain known conditions? They have.

Do you consider the adoption of some remedy for the evils in question as essential to the settlement and improvement of the province? I do consider the adoption of some remedy very essential, and I think the successful operation of any measure for the introduction of emigrants into the province will mainly depend upon the removal of these evils.

Has any remedy suggested itself to your mind? A tax upon the wild lands has occurred to me as likely to accomplish, or at least to promote this object.

Do you mean an *acreable* tax? Yes, a tax of so much per acre.

To be levied for all land held in a wild state? Yes except a moderate quantity which might be appended to each farm, and might remain as forest for firewood and other purposes, and in cases of non-payment of the tax, a sufficient quantity of land should be sold or resumed at a settled value by the government.

Do you not imagine that such a tax would be very unpopular with the holders of wild lands? I think it not improbable that it would be unpopular with many holders of wild lands, but I think it would ultimately be beneficial to them by increasing the value of their remaining lands, to a much greater extent than the whole block would ever arrive at if

they continued solely to depend upon the reluctant improvement of the poor neighbouring settlers.

Then perhaps you suppose the proceeds of the tax to be expended in the improvement of the country ? Decidedly, the judicious application of the funds thus raised in the opening of roads would benefit the new settlements to a greater extent than any other measure that at present occurs to me.

Would it not also be some justification of such a tax that the conditions upon which a great part of the land now wild, had been granted, had not been performed by the grantees ? Undoubtedly it would.

And that speaking in the legal sense, only the government has a right to resume such lands ? In a legal sense I presume that the government could resume these lands.

Would it not be necessary in order to levy such a tax, that a fresh survey should be made, to ascertain what is and what is not crown property ? An accurate survey of the whole of the ungranted lands of the province, I believe to be extremely desirable and necessary to quiet doubts that have arisen in the minds of many new settlers as to the correctness of their present boundaries.

Robert Christie, Esquire, of Cross Point, Ristigouche.

You have resided for some time in the district of Gaspé? I have resided there since 1831, inclusively, and had a previous acquaintance with the country, from having visited it on public business for several years previously.

Are you acquainted with the system of granting land by the crown which has been pursued in that district? I believe that no lands have as yet been patented in that district. Many people there have, however, obtained titles to lands therein by virtue of an Act of the provincial legislature, 59 George 3d, cap. 3.

What was the object of this Act? The object was to secure the inhabitants of the district of Gaspé in the enjoyment of their lands. Under this Act, individuals without any title, who had occupied and improved lands, obtained adjudications as they were termed of their lands under which they now have an absolute property in them. Since that Act some persons have purchased lands from the crown, but have not yet received any title to them, although it is now six or seven years since some of the purchases were made. I do not however know whether this has arisen from their not having paid the purchase money, or from any other cause.

There are not I suppose any large proprietors of land in the district? No, that is, not of more than from 1,500 to 2,500 acres, and very few of those.

What proportion of the district of Gaspé is seigniorial land? I believe a very small proportion. In that part of the country with which I am acquainted, are only the seigniories of Pabon and Grand River, each, I believe, two leagues in front by two leagues in depth, and the seigniority of the Lake Matapediac, comprehending the lake and a league in depth all round it; there are also I believe some seigniories on the St. Lawrence, but they are mostly unsettled.

So that nearly the whole of the land in the district of Gaspé remains yet to be granted by the crown? It does, with the exception of the front, which I believe is nearly all occupied, but by far the most valuable land lies, as I am credibly informed, in the rear of the occupied lots.

Has there not been a large sale of land in the district of Gaspé, amounting to nearly 100,000 acres, which has created some complaint? There was such a sale about a year and a half ago, but the prompt manner in which the government annulled the sale, has given universal satisfaction.

Upon what ground was this sale annulled by the government? It was annulled, as I understood it, because the sale had been made by the Crown Lands Agent without sufficient authority, and in contravention of the Royal Instructions. The nature of the sale was not published in the Gazette, nor any other paper; and in the next place, I have reason to believe, that it was not sufficiently published, or at least sufficiently known (for I presume publicity of government sales to be the purpose of publication) in the neighbourhood where the sale took place. A gentleman in the immediate neighbourhood concerned in the lumber trade, no longer than three weeks ago, declared to me, that although he was concerned in the lumbering on those grounds, and resided within seven or eight leagues of the tract in question, he had no knowledge of the sale whatever, until the sale was over, when, for the first time, he learnt it, to his great surprise and annoyance, from one of the purchasers.

Q

Had it been the practice previously to advertise the sale of crown lands in the district of Gaspé in the public Gazette? No, it had not been the practice; but none, however, but small detached lots to accommodate actual occupants had, I believe, been previously disposed of by sale in that district, and but very few of these. But this, however, I humbly conceive, would not justify the putting up in the same manner so large a tract as 90,000 acres. I might mention that a large tract, I believe, 60,000 acres or thereabout of the land in question, was very shortly after the purchase from the agent published for sale in New York, by publication in a pamphlet shape extolling those lands, and with reason, as of a superior description, the whole accompanied, as I have been reputably informed by a lithographic diagram, before any thing of the kind could be had in the proper offices at Quebec. This latter part of my statement I can vouch for, having myself called at those offices and requested a sight of the original diagram, from which the lithographic was taken, when, to my astonishment, I learnt that nothing of the kind was to be seen or found in the offices—I allude to the Surveyor General's and Crown Land Offices.

Were the purchasers residents in the district or strangers? They were not resident in the district but strangers to it; and I believe the whole tract, or nearly so, fell into two hands, although a few other names may possibly appear on the returns.

Were the purchasers, from their character and occupation, persons who might be expected to know the nature of the regulations for disposing of Crown Lands, and whether those regulations had been violated in this particular instance? I think they could not but have known those regulations from the circumstance that Crown Lands in this and the adjacent Provinces were (unless in the instances I have mentioned of their being sold to accommodate actual occupants in small quantities and by lots,) invariably published in the official and sometimes other papers before sale.

You have stated that the resolution of government to annul the sale produced universal satisfaction; would the confirmation of that sale then have produced any inconvenience to the inhabitants of the district? Decidedly. It would have thrown a large tract of country highly susceptible of agriculture, and capable of receiving 500 poor families into two hands, and I think that this tract comprehends one of the finest portions of land in the whole district of Gaspé, possibly in Lower Canada. It is well watered and every way adapted to immediate settlement, particularly by the poorer class of settlers, who, if located there, would find themselves in the immediate vicinity of the fisheries, which would at once afford them immediate resources for subsistence, and furnish them with a permanent and profitable market for their produce hereafter. With reference to this tract of 90,000 acres, I have heard it asserted upon what I should deem good authority, that if the lumbering business, that is to say, the cutting and felling of pine and hard wood for exportation, were carried on upon it, to any considerable extent, for three or four years, the purchasers would, in timber duties alone, save more than the purchase money they were to pay upon it. In other words, that the government independently of the monopoly of those lands and the timber on them by two or three individuals or concerns, and the mischief thence arising to the public, was giving them wholly away for a sum less than the timber duties would amount to in four

years, and that in all probability the latter would sooner find their way into the public chest than the last instalments of some of the purchasers, though I pretend not to say how true this may be,—but I believe the sale of those lands has shaken the confidence of some of those who were cutting under crown licenses, and that people are still apprehensive that these lands by some means or other will surreptitiously become private property.

What are the general capabilities of the district of Gaspé for supporting an agricultural population? As great as any part of the district of Quebec. Its climate is nearly the same, but its soil is generally superior. At the present time however, its capabilities have not a fair chance of development for want of roads. If the Kempt road from Metis to the Ristigouche, and from thence to Carleton were completely open and made practicable for carriages, I have no doubt that the whole line would be settled in less than three years. Another great obstacle in the way of the progress of this country, is the difficulty of obtaining titles, or any satisfactory pledge that the persons who improve lots will be secure in their improvements. I know at this present time many individuals living in my own immediate neighbourhood, who would be glad to purchase crown lands for immediate settlement, if they could at once procure a title, or satisfactory pledge to the land they might select. In some cases, owing to the difficulty which is now experienced as just mentioned, individuals are, at their own risk, improving lands, in the expectation of getting a title on paying for them, though they are anxious lest they should be compelled to pay for their own improvements. This state of things produces a degree of uneasiness which it is very desirable should be prevented. It is perhaps difficult for one individual thus circumstanced, not to feel much concern as to his future situation. Nothing I conceive tends more to confirm a people in their loyalty, if I may touch upon this chapter, than a security in their title to the land they occupy and have improved. The easy acquisition of a title too, would be no small inducement to emigration.

Suppose an emigrant from England should arrive in the district of Gaspé, with a capital of £1,000, desirous of investing a portion of it in the purchase of land from the Crown, and the remainder of it in improving the land, what course would be pursued in order to obtain a grant? He would be exceedingly embarrassed how to proceed to obtain an immediate title; I do not know how he ought to go to work to obtain it, nor is there in my belief a single individual in the district of Gaspé who could give him the requisite information, nor am I aware that under the existing system it is practicable.

Is there any Crown Land Office in the district of Gaspé? There is a Crown Land Agent.

Are there any annual sales? Not that I am aware of.

Are there any means of obtaining a legal grant in the district? Not that I am aware of.

What are the duties performed by the Crown Land's Officer in the district? His duty is as I understand it, to dispose of the Crown Lands when so authorized by the head of his department, and to look after the Crown dues on timber cut under licenses from the Crown.

How do you reconcile that part of the last answer which relates to land with the answer to the previous question? That I must leave to Her Majesty's Government or to the Crown Land Agent himself. But the

apparent discrepancy may be thus explained. There are no means of obtaining a grant in the district, the grant must be obtained in Quebec. An emigrant may purchase there, but he cannot even then always obtain the lot he would choose, for he must be content to purchase one of those put up for sale, and the sales, according to the existing system, only, I believe, take place periodically by order from Quebec, and of lands previously surveyed and published for sale. If an emigrant could, on going to a certain Crown Land Office, inspect a diagram of lands in any given part of the country, make his selection, and on paying his lot obtain an immediate title, I think it would induce hundreds of settlers to remain in the country, who leave it in disappointment and disgust, taking with them capital, and industry more valuable than capital, to enrich the neighbouring states.

Henry LeMoussier, Esquire.

What have been your opportunities of observing the operation of the system which has been pursued in the disposal of land in this Province?

I have resided in the Province since the year 1814, and for eight years I have resided in a country district. I am myself a large owner of wild land in the townships and have two settled farms there, and from having a commercial establishment in Granby, have very frequently visited that part of the country.

You have naturally been led to notice the effects which have been produced upon the settlement and improvement of the country by the existence of large tracts of land which have become private property and are still in a perfectly wild state; what in your opinion would be the fitting remedy for the evils thus occasioned?

The opening of roads and communication throughout the country which might easily be effected by a tax upon lands. A great part of the evils to which the question refers have been caused by the lands being in the possession of absentees, who have done nothing towards the improvement of the roads or opening the country.

Then you are favorable to a general wild land tax?

Decidedly, as the only means of bringing that part of the country into cultivation, but not upon an uniform scale.

What is the nature of your objection to an uniform scale of taxation in this case?

The difference in the value of the wild lands. In some partially settled townships the lands may be worth from two to four dollars an acre, whilst in others, altogether in a wild state, the value may not exceed two shillings.

Does this difference of value arise from a difference in the fertility of the soil or from the greater value given in some cases by the proximity of settlement?

Altogether from the greater value given by the proximity of settlement.

Upon what scale then would you propose that the tax should be levied?

I would propose that the whole of the townships should be valued, and that a scale of taxation in proportion to that value should be levied in each township.

But supposing that the whole produce of the tax were applied to the general improvement of the country by the opening of the roads, would not the owners of the land, which as you say is now least valuable, derive probably more proportionate advantage from its application than those whose land being near to the settled districts possess already a considerable value; and would not this counterbalance the seeming injustice of laying on an uniform tax upon lands of different value?

I think not; I think that the partially settled townships will derive a greater proportionate advantage than the distant townships, from the application of the tax as new settlers will always give a preference to the neighbourhood of other settlements and of a market. I would, however, propose that the valuation which I have suggested, as the basis of the tax, should be renewed every three years, to provide against any unfair-

R

ness arising from alteration in the value of the lands. I should recommend that the townships should be classed according to the value of land in them and should be taxed in classes, that set of townships paying the highest tax in which land was of the greatest value and so on.

James Bell Forsyth, Esquire.

How long have you resided in this country ?

I was born in Upper Canada, and except having been educated in England, have always resided in these provinces.

You have been led I believe, to pay attention to the subject of emigration from Britain, especially with respect to the poorer class of emigrants ?

I have.

Emigration of this description appears hitherto to have been attended with many evils, but to have been improved of late years ?

It has been improved with respect to the destitute sick, and to the totally destitute, by means of the Emigrant Society, and the fund raised by the Emigrant Tax, but with regard to the main body of emigrants, the evil results of a total want of system are as conspicuous as ever.

Will you be so good as to specify what you consider the defects of the present mode of proceeding ?

The great evils that have hitherto existed, have arisen from the want of system, and especially from the want of all adequate means of information, advice and guardianship. This want of information necessarily gives a vagrant character to their movements. Unable to obtain information as to the best mode of proceeding in this province, they move onward to Toronto, and finding the same want there, they become disgusted, and leave the province in large numbers to become citizens of the American Union.

In what proportion do you suppose, (not asking you to speak with precision) do emigrants from Britain proceed to the United States ?

My observation on the subject has led me to estimate this amount at 60 in the 100 during the last few years, but it should be observed, that a great number of emigrants intending to settle in the states, come by way of the St. Lawrence, in consequence of the greater cheapness of the passage, arising from the operation of the lumber trade, which brings out so many large vessels in ballast. The ordinary price of a steerage passage to New York is from £8 to £10, while the same passage from England to Quebec costs from £2 10s. to £4.

You mean by the want of information, advice and guardianship, that the emigrants are left to shift for themselves in a strange country, respecting which they know next to nothing ?

Yes, they have no person to apply to but the government agent for emigrants, who, however willing he may be to afford them information, has not (for want of adequate means) his office upon that extensive scale upon which it ought to be placed, in order to be commensurate with the wants of the emigrants.

What are the means by which, as you suppose, emigration of the poorer classes might be conducted with the greatest advantage to themselves and this province ?

My idea is, that there should be a Board of Management in England, and a corresponding Board here, acting with unity of purpose. Each board having its separate agencies, the one for the purpose of promoting the emigration of the most suitable class from England, and superintending the arrangements for their passage, and their being landed here in good health and spirits ; and the other for the purpose of carefully distributing them through the provinces, in the manner most conducive to their advantage. One duty of the board here should be to supply the board at home with accurate information as to the state of the labor market

and the class of persons whose labor was most in demand. It would be highly desirable that the whole of the emigration should be under the superintendence and authority of the two boards, whether the emigrants paid their own passage or not, as it would otherwise be impossible to establish the requisite discipline. Besides that, the captains would be under more control than it is possible to establish over them by any passengers, Act, not having any special board appointed to enforce its provisions. I consider that the emigrant should be under the guardianship of the board here for twelve months after his arrival, or until he has obtained sufficient experience of the country to shift for himself. Poor emigrants coming to this country, should, for their own sakes, be considered in the light of children, not to be spoiled by our care, but to be judiciously aided and supported during the necessary period of their helplessness, which would scarcely ever exceed twelve months. A good deal would depend upon the selection of persons of industrious and prudent habits, and it has occurred to me, that an efficient mode of proceeding would be, that the board at home, through the heads of different religious denominations should induce young clergymen to enlist as it were, a body of emigrants to accompany them to this country as their guide and pastor, and to establish himself in the midst of them here, upon a tract previously prepared for their reception, with provision for the decent maintenance of the minister and for public worship. I am inclined to think that by this means in nine cases out of ten, the emigrants would be fixed upon the land instead of quitting their settlements as now commonly happens, because they are really in the wilderness without any social ties. The provision for the clergymen should depend upon his bringing out a certain number of families. I should be disposed to say from 150 to 200 families, and the provision would consist partly of a money payment of from £100 to £150 per annum, and partly of an endowment of 200 acres, as glebe land. I presume each body of emigrants to have been brought out at the public expense, and would make that expense a charge upon the land assigned to them. The government should not give these lands to the emigrants and I also presume that the price would be made payable by eight or ten annual instalments, with interest, the whole amount ultimately raised, being sufficient to cover the entire cost of the settlement, including the expense of the passage from England, and of the religious provision. I should also suggest, that if the government is at all afraid of the expense, I should imagine that English capitalists would be willing to purchase the obligation of the settler at a reduction of from 25 to 35 per cent, which would thus repay the government the whole expense of their outlay, and enable them to repeat the process over and over again. The security of the purchasers of these obligations would be the land itself, which would not become the absolute property of the settler, until the whole amount was paid.

The principle of the plan as I understand it, is, that the crown revenue, derived from sales of land should be made as security for loans of which the produce should be employed for the purpose of emigration and settlement, including religious provision?

That is the principle; but my plan contemplates an absolute disposal of the obligations at whatever they would bring instead of a loan.

What price do you think should be required for the land under the proposed system?

d. It would be
ld be under the
er the emigrants
mpossible to es-
s would be under
any passengers,
e its provisions.
dianship of the
he has obtained

Poor emigrants
considered in the
judiciously aided
plessness, which
l would depend
habits, and it has
uld be, that the
s denominations
ody of emigrants
pastor, and to
previously pre-
maintenance of
hink that by this
e fixed upon the
mmonly happens,
social ties. The
nging out a cer-
rom 150 to 200
money payment
dowment of 200
s to have been
that expense a
ment should not
d the price would
th interest, the
er the entire cost
e from England,
that if the go-
ne that english
of the settler at
thus repay the
able them to re-
ity of the pur-
which would not
whole amount

the crown rev-
rity for loans of
se of emigration

absolute disposal
of a loan.
land under the

I think 10s. should be the minimum, and that the emigrant would be better able to pay this than 5s. cash ; or there might be two prices, one for ready money, and one for payment by instalments.

Would it not be necessary in that case that the minimum price of all crown lands should be raised to the same amount ?

I think so ; under such a system some of the lands could not be sold at first, but they would sell in time, as land became more scarce and valuable.

Mr. Patrick Daly, Commissioned Surveyor of the Province of Lower Canada.

You are just come to Quebec, to make a representation as to the state of the township of Durham ?

I am.

What is the point you wish to ascertain ?

Whether I can have authority to establish a new line between the sixth and seventh ranges of the township of Durham.

What would be the consequence of such a change ?

In consequence of a part of the old range line being found incorrect to the extent of sixty perches, whereby the seventh would lose about one-fifth of its dimensions, and the same amount would be improperly added to the sixth. The change I wish to make would set this right.

How did you discover that the line was incorrect ?

In consequence of having been employed by Captain Ployart, of Durham, to run the side lines of lot number fifteen in the sixth range, in order to determine the extent of his property, he being the proprietor of that lot. I discovered that the line was incorrect, as I have described already, and I cannot proceed to rectify the error without authority from the Governor, or some person appointed by the Governor, as we have not any laws in the province to enable me to make a new range line ; and as the old range line is not to be found, with the exception of a small part, which is in the wrong place as I have described.

Would a new line have the effect of taking away land, in actual possession, from any person and giving it to another ?

Yes, it would.

Do you suppose that other range lines in this township are correct or incorrect ?

Some are correct, but, they are generally incorrect ; my attention, however, has not been particularly called to them.

Are not the proprietors of the other lots in which the lines are incorrect, anxious to have the limits of their property settled ?

Yes, very anxious ; more particularly the inhabitants of the third range, about one-quarter of whose property is taken by the inhabitants of the second range, through the means of an erroneous old range line, as has been proved by various subsequent surveys duly sworn to. I am requested by all the inhabitants of the third range to take steps to obtain a new range line.

Have they ever applied before for this ratification of the survey ?

Yes, they applied to the Surveyor General's Department, by a statement made by me, and now in the Surveyor General's Office, but the answer was, that there was no law in the Province to authorize the changing of a range line, however incorrect, without the consent of all the parties concerned.

Then all the parties did not concur in this case ?

No ; they did not.

Why not ?

Because many of those who improperly gained by this error, wished to retain what rightly belonged to their neighbour.

As the former application was fruitless, upon what ground do you now proceed ?

Upon the confidence that as Lord Durham has greater power than other Governors, he may be pleased to consider this great loss of property to the people, and give orders to correct this evil.

Are you acquainted with other townships?

Yes.

Have you found the surveys of them generally correct or incorrect?

I have found the surveys of the township of Windsor as incorrect, or even more so than that of the township of Durham, which can be proved by the most reliable testimony. Generally, and with the exception of the township of Wickham, I found them quite incorrect. I speak only from my personal experience, and not from what I have heard.

vince of Lower

on as to the state

between the sixth

und incorrect to
lose about one-
nproperly added
right.

Ployart, of Dur-
e sixth range, in
the proprietor of
I have described
authority from
or, as we have
range line; and
ception of a small

in actual pos-

are correct or

; my attention,

nes are incorrect,

nts of the third
ne inhabitants of
ange line, as has
to. I am re-
steps to obtain

e survey?

nt, by a state-
Office, but the
o authorize the
he consent of all

error, wished to

und do you now

Mr. James Keough Miller, and Magistrate, from the district of Quebec, and Commissioner of the Summary Court for the Township of Ireland.

You have had many opportunities of observing the state of the townships?

I have resided for seven years in the township of Ireland, and have had considerable experience.

Are there not great difficulties in the way of the settlement and improvement of the county of Megantic, in consequence of the state of the roads?

Yes, there are.

To what circumstances do you attribute the deficiency of the roads, and their bad state of repair?

The first cause is the neglect of the Grand Voyer in performing his duty in visiting that part of the country, and the consequent neglect of the road surveyors, the rest is the great number of lots of land owned by absentee proprietors upon the principal roads, and the difficulty, owing to the deficiency of the present road law, in compelling the absentee proprietors to contribute to the repair of the roads.

What is the nature of the deficiency of the road law to which you allude?

When proprietors of land do not reside upon their property, there are no means of making the land contribute to the expense of repairing roads, except by proceedings in the Court of King's Bench at Quebec, to obtain power to sell the land, and now this cannot be done until the road overseer has expended £10 in repair of that portion of the road which belongs to that lot, which they are always unable to do, as it might take ten years before the money laid out in respect of any particular lot amounted to this sum, and during the whole of that time the individual would be laying out of his money.

Have there been any instances in which absentees proprietors have contributed to the expense of roads passing by their property?

I have not known of any, whenever applications have been made to them on the subject, the invariable answer has been, that if the people want roads they must pay for them.

The Honorable Jonathan Sewell, Chief Justice of the Province of Lower Canada.

You have been a resident in this Province for a considerable number of years?

For nearly forty nine years.

During that time you have probably had many opportunities of seeing the effect produced upon the state of the province by the large tract of land granted by the crown and allowed to remain in a wild state?

I have.

Have you considered to what extent the injurious effects resulting from this amount of wild appropriated land, might be remedied by the imposition of a general tax upon all wild land?

In the first place such a tax would be virtually a quit rent. If laid, it must be either of a burdensome description in order to produce a pressure upon the proprietor, and thereby force him to cultivate or settle his land, or of a small amount, in which case it would produce the same effects that the quit rents have produced, and like them, would be ultimately abandoned. If it were of the former description, as it appears to me that the neglect to cultivate on the part of the owner of land has been produced as much by the conduct of the government itself, by having persisted in grants according to the chequered diagram, notwithstanding the representation made by the Governor in Council against that system to Lord Castlereagh, as by the default of the proprietor, it may be considered a tax that ought not, in justice, to be laid on the proprietors. The greatest injury to the settlement of the country, produced by the non-cultivation of the proprietors, is the want of roads, which they could not make without taking upon themselves the burden and expense of making them, not only through their own lots, but also through the crown and clergy reserves.

Would not this objection be removed if the crown and the clergy were compelled to contribute towards the expense of roads in equal proportion.

I think it would, provided a course were adopted for laying out the roads, in the first instance, by the introduction of the Grand Juries of the country, with the concurrence of the Justices of the Quarter Session, and an Assessment were then made, with due notice to the proprietors whose lands are assessed, and an equity of redemption allowed in the case of sale during one year after the sale had taken place, upon payment of the purchase money, with interest, and any further sums which may be required to make up the amount of the assessment.

As the want of roads is not the only injury which these wild lands inflict upon the settled districts of the province, do you see any objection to a tax which should be imposed for the purpose of compelling the proprietors of wild land to settle and cultivate their property?

I see no objection to an occasional tax, by way of assessment upon the lands of all proprietors, for roads, bridges and other country purposes, in the manner before mentioned.

The question however is, whether in your opinion there are any objections to a tax upon all wild lands, not merely for the purpose of making roads, bridges, &c. but for the sake of rendering it the interest of the proprietor to cultivate or settle his land?

I beg leave to refer to what I have said before, in answer to a for-

T

mer question, and to add that a general tax in my opinion would rather impede in its effects the settlement of the province than promote it, and that the object proposed by such a tax may with greater certainty be obtained by assessment in the manner I have proposed, as occasion should require, and for the reasons, I have stated, with greater justice.

Then your objection is to a general tax imposed by government; and you would approve of local assessment by the inhabitants of a township or county, for the accomplishment of local objects?

I should approve of assessment by Grand Juries, in the manner I have stated.

If the Grand Juries should refuse to make roads, would you see any objection to allowing a power to the government to take the necessary means for the purpose?

It would of course be in the power of the legislature to provide such means as they might see proper if the Grand Jury refused. My objection is not, as I have said before, to taxation for county purposes, but to the means proposed for raising it, by a general tax, conceiving as I do, that the assessment is equally effectual and more fair. I should object to laying a land tax upon any man's land for purposes which are not yet defined. My objections to such a tax in brief, are 1st that for the reasons I have stated, it would bear hard upon the proprietors; 2nd, it would impede the settlement of the province, as it would be equivalent to a quit rent, and produce the same consequences; 3d, by assessment, labor would always be effectually procured, to the great advantage of the new settlers, who have very little specie indeed for the payment of taxes.

Within what limits, as to extent of land, would you propose that the power of local assessment should be confined?

Within the jurisdiction of each Court of Quarter Sessions.

In whom would you place the power of assessment?

In the Grand Jury, with the concurrence of the Court of Quarter Sessions.

Of what class do the Grand Juries and the Court of Quarter Sessions consist?

The Court of Quarter Sessions consists of Magistrates, appointed for the District by the Crown; and the Grand Juries of the better classes of the settlers.

You would then make it optional with the Grand Jurors and Magistrates to lay an assessment or not, as they should please?

I would.

Would it not happen that the Grand Jurors and Magistrates might be proprietors of wild land?

It is very possible that some might be, but the large proprietors would be as competent judges of the advantages to be derived from any road to themselves and to others, as those of minor estate.

Is it not a general complaint that the large proprietors have neglected to take any steps for the making of roads, &c.?

It is; but I cannot say deservedly, as I have stated before; and I say this because the perseverance in the chequered diagram by the orders of the Home Government has been the principal cause of the want of roads.

Are you acquainted with the system of leaders and associates?

I am aware that leaders had associates.

Do you think that the mode of granting by the chequered diagram has conduced more to the want of roads than the system of leaders and associates?

I think it has as much.

Will you be so good as to explain in what way you think it has had as much effect in preventing the formation of roads?

By the want of means to make roads through the Crown and Clergy Reserves, which consequently left the burden of making roads through those lots upon the proprietor in addition to their own.

That is only a repetition of your former statement, and takes no notice of the evil produced by enormous grants to individuals under the system of leaders and associates—do you consider the evils of these large grants as less than those arising from the chequered system?

Probably it is not less, but I really cannot say, I have no knowledge of the course that has been pursued by the leaders and the associates, as I am not myself a grantee of the Crown for any land whatever, except what I hold by purchase from the Crown.

I wish to explain that the tax which is submitted to your opinion would not be like a local assessment for any specific purpose, such as that of making a road, but would be in the nature of a fine for the purpose of abolishing a nuisance of large tracts of land remaining in a wild state, because they have been placed by free grant out of the control of the Government, and are totally neglected by their absentee proprietors.—It is in that light that I respectfully request of you to state your opinion of the tax, the Commissioners having been informed that you had strong objections to such a tax, and being desirous that all the objections to the tax should be reported to the Crown, as coming from a gentleman of your known experience and ability.

The objection that I have to a general tax, I have endeavoured to explain; if it were to operate as a fine, I do not see that they would be altered. A fine is a penalty for some individual misconduct, but a general tax, if a fine, would operate as a general punishment, instead of being confined to those whose misconduct may have merited it.

Has your attention been at all directed to the state of the surveys in this province and of defects in titles to property in consequence of errors in the surveys?

I have known of many defects in the surveys which have appeared in many cases before me, and am apprehensive that they are very numerous. I can only state from my own opinion, two remedies by which these defects may be in some degree remedied, the one is by running anew the outlines of the several townships, the other an act to quiet possession such as has been heretofore passed in other provinces. I am afraid that running the outlines of the townships would not be of any great benefit beyond exposing the errors.

Alexander Carlisle Buchanan, Esquire, Chief Agent for Emigrants for Upper and Lower Canada.

How long have you held your present office ?

Since November 1835, I have been acting Agent, and received the appointment of Agent in April last as successor to my Uncle, who held it from the commencement of the appointment in the year 1828.

The office was created, was it not, in consequence of the recommendation of a committee of the House of Commons ?

Yes it was.

What are the duties of the office.

To furnish correct information to emigrants as to the best place of obtaining settlement and employment for those who are in want.

How is this done ?

I have printed instructions distributed at Grosse Isle, and on board the vessels here on their arrival in the harbour. The instructions are for the purpose of preventing imposition upon emigrants on their arrival, and to acquaint them with the protection which the law affords them, and also with the several routes to the different settlements of the two Provinces, where they would be likely to obtain land and employment. My duty is also to correspond with the heads and managers of public works and improvements going on in either province, and to obtain from them a correct estimate of the number of labourers and artizans they may require.

Do you furnish any authority at home with regular information as to the demand for labour in these provinces ?

My uncle used to correspond directly with Mr. Hay and Mr. Wilmot Horton, who were then in the Colonial Office, and the annual report which is made up at the close of the season and given in to the Governor in Chief, is sent to the Colonial Secretary for the information of Her Majesty's government.

Does that annual report contain an account of the state of the demand for labour in the colony during the past year ?

Yes it states where the greatest demand for labour has been during the past season, and the prospect for the ensuing season,

Does it give particulars as to the amount of wages ?

Some years it does, others it does not. This generally appears in an appendix, consisting of copies of the weekly reports made to the Governor in Chief.

Have you a regularly established correspondence with the different districts of the province for the purpose of giving information as to the state of the demand for labour ?

Yes, with the different agents established in the Upper Province. There are no other agents than myself in the Lower Province, but I have correspondents in the eastern townships, the place where the principal demand for labour exists.

Correspondence with an agent ?

With Mr. Webster the sub-commissioner of the British North American Land Company, as the person upon whom the most reliance could be placed for the distribution of the funds remitted by the parishes for the benefit of the pauper emigrants.

Does your office contain copies of the correspondence upon this subject ?

Yes, but almost every letter of consequence is contained in the appendix to the reports of 1835 and 1836.

Does your office act under instructions from the Colonial Department at home?

Yes, under instructions from Lord Goderich to Sir John Colborne, and transmitted to Mr. Buchanan by Lord Aylmer.

Have you any direct correspondence with the government at home?

I have never since my appointment corresponded directly with any officer of the government at home.

Is there any Officer of the Government at home with whom, in case of necessity, you could correspond directly?

The office has corresponded with Mr. Pinnock, upon the subject of some pauper emigrants, who were forwarded under his immediate superintendence, and I understand that Mr. Elliott has been appointed Agent General for Emigration. I have had no communication from him, but have addressed a letter to him requesting any instructions that he might think proper to communicate for my guidance.

Are there any funds at the disposal of your office?

Not any. The fund raised by the Emigrant Tax is expended by the Emigrant Society.

How many persons does your office employ, and what are the salaries?

The following is the list of salaries and allowances for this office, but there is at present no Assistant Agent. Previous to Mr. Buchanan, Chief Agent, being obliged to leave this country for the benefit of his health in 1835. I filled the office of Assistant Agent, and resided at Montreal.

Allowances to Emigrant Department :—

Chief Agent's Salary,	- - -	£400 per annum.
Assistant Agent,	- - -	100
Clerk,	- - -	40
Boat-hire, and watermen boarding vessels,	- - -	25
Office rent,	- - -	30
Stationery,	- - -	10
Printing,	- - -	12
Postages,	- - -	10
Travelling expenses,	- - -	50

Does this account include Upper Canada?

No; it does not.

Referring to the instructions which you have mentioned as regulating the proceedings of your office, do they contain any specific directions as to the duties which you have to perform?

I conceive that they do not; in fact they were not addressed to my office. I suppose that they were transmitted to my predecessor in order that he might be acquainted with the views of the Home Government on the subject.

Have there then been no specific instructions for the guidance of the Agent for Emigrants from the time of the creation of the office to the present moment?

There may have been, but I am not aware of any. I have myself followed the routine that I found established. I had proposed to have enclosed to Lord Durham a copy of the Despatch from Lord Goderich,

with a request that I might be favored with such instructions as he might please to direct.

Then you are not aware whether your predecessor was guided by any instructions in his view of the nature and limit of the duties of his office, or whether he acted entirely upon his own judgment?

I am not aware that he had any instructions. In all cases that he found difficulty in he applied to the Governor in Chief; the office has at all times been in constant communication with the Governor in Chief, upon all subjects upon which any difficulty has arisen.

Then you have no other rule than the routine established by your predecessor, and the will of the Governor, in cases where there has been no precedent?

That is the case.

It appears that you have not any direct official communication as to the administration of your office, except with the Governor of this Province?

With the Governor of this Province and also with the Governor of Upper Canada.

Upon what subjects have you communicated with the Governor of Upper Canada.

I have generally addressed him in the spring and fall, requesting instructions from him as to the prospect of employment in his Province for the ensuing season, and also to receive any instructions which it may please His Excellency to adopt, as regards emigrants proceeding to Upper Canada.

Then your communications with the Governor of Upper Canada were in fact only in the same nature as those which you might have with an agent for emigrants, and do not in any manner concern the general duties of your office?

Yes, but at the time of the establishment of this office, there were no agents for emigrants in Upper Canada.

Have you any correct information as to the ultimate fate of the emigrants who arrive at this port?

Not as to their ultimate fate, but at the close of each season I get a return made from the Emigrant Agents in the Upper Province, as to the number who may have settled in their respective districts. This information is however, necessarily, very general.

Joshph Skey, Esq. M. D. Deputy Inspector General of Hospitals.

How long have you resided in this province ?

Since 1829.

You are President of the Quebec Emigrant Society, and have been for some years an active member of the committee ?

Yes.

When was the society instituted ?

The existence of the society can be traced, imperfectly as far back as the year 1820 ; in the year 1832, the society was charged with the disbursement of one fourth part of the fund raised by the Act of 1st William 4th, chap. 17th for the assistance of poor emigrants.

With what object was the society instituted ?

To supply food, clothing, fuel and medical assistance to destitute emigrants, and to assist in forwarding them to the Upper Province.

Are you aware, whether, at the time of the formation of the society, there were many emigrants in a state of destitution ?

I was not in Canada at that time, and have therefore no personal knowledge of the fact, but have no doubt that such was the case inasmuch as the society was formed for the express purpose of relieving the destitute emigrant.

As a member of the committee and president of the society, you have had peculiar means of becoming acquainted with the condition of the poorer class of emigrants to this province during the last six years ?

Yes I think I may say that I have.

Will you be so good as to describe their condition generally ; those I mean with whom the society was brought into communication ?

The emigrants with families from the south of Ireland, in particular, as well as the pauper emigrant from England, sent by parishes, in large proportions arrive in a state of great poverty—I should say that the majority of the voluntary emigrants from England and from the North of Ireland do not in general arrive in a state of actual destitution since they generally possess a little money, unless their families are very large. We have had occasion to remark upon the manner in which pauper emigrants have been sent from England, and to recommend that funds for their location should be furnished by the parishes, and entrusted to authorized agents here, for their benefit. The foregoing observations apply in some degree to pauper English emigrants, but to a far greater degree to those from Ireland, and particularly from the South of Ireland.

What has generally been the condition of a pauper emigrant from England, upon his arrival in this province ?

Generally either with nothing or with a very small sum in his pocket, entertaining the most erroneous idea as to his prospects here, expecting immediate and constant employment at ample wages, entirely ignorant of the nature of the country and of the place where labor is most in demand, and of the best means by which to obtain employment. He has landed from the ship and from his apathy and want of energy, has loitered about the wharves, waiting for the offer of employment, or if he obtained employment, he calculated upon its permanence, and found himself at the beginning of the winter, when there is little or no employment for labor in this part of the country, discharged, and without any

provision for the wants of a Canadian winter. In this way emigrants have often accumulated in Quebec at the end of summer, encumbered it with indigent inhabitants, and formed the most onerous burden on the charitable funds of the community; to a less degree perhaps since the tax upon emigrants was levied, and since the Emigrant Society have hastened their progress.

Had such emigrants usually been in a healthy state upon their arrival?

Upon their arrival here, I should say generally, yes, because though very often too weak for labor, being in a state of convalescence, from disease. Since 1832, the Quarantine Establishment at Gross Isle has arrested the disease there.

But I mean upon their arrival in the river?

Upon their arrival in the river a great number of sick have landed, and a regular importation of contagious diseases into this country has, annually, taken place.

That disease originated of course on board of ship?

Oh yes.

And was occasioned by bad management?

I should say so, in consequence of the ships being ill found, ill provisioned, over crowded, and ill ventilated. This is now in some degree remedied by the present passenger act.

Has the mortality during the voyage been great?

I should say that it has been dreadful. To such an extent, that in 1834, the inhabitants of Quebec, taking alarm at the number of shipwrecks, the mortality of the passengers, and the fatal diseases which accumulated at the Quarantine Establishment at Grosse Isle, and the Emigrant Hospital of this city, involving the Inhabitants of Quebec in the calamity, called upon the Emigrant Society to take the subject into consideration, and make representations to the Government thereon.—In point of fact there has been an annual importation of contagious diseases into this city from the emigrant ships, and I believe that I shall be confirmed in that opinion by the best informed of the medical practitioners of this city, to whom I beg to refer for more precise information.

Could you state generally what has been the common fate of the emigrants of the class in question, leaving a ship at Quebec?

A few remained here; the greater part proceeded up the river, and ultimately, I believe, to the upper Province or to the United States.

Many of them have died here, have they not?

In some years considerable mortality has existed among them, and in 1832 and 1834, the years of epidemic Cholera, the mortality was frightful.

Is there any record by which one could ascertain the fate of poorer emigrants?

I am not aware of any in the lower Province; but I think it not impossible that such may exist in Upper Canada. We have nothing of the kind here.

What have been the proceedings of the Society, in respect of poorer emigrants?

Up to the year 1832, the charitable and private fund of the Society was applied as before stated; more lately that fund has been applied to relieve wants not contemplated by the Provincial Act. That portion of the fund raised under that Act by the tax upon emigrants, which has been

entrusted to the Society, has been almost exclusively appropriated to forwarding them up the river to Montreal, or to sending home such of them as disease or accident rendered incapable of supporting themselves, as well as those families, who, from the loss of those individuals upon whose labour they depended for support, would have been burdensome to the country. At times such individuals and families have been assisted with free passages to the neighbouring Provinces, or even to the States, if such assistance would enable them to join friends capable of assisting them. The Society is responsible for the due appropriation of the public funds, with which it is entrusted, to Commissioners named by the Governor. The Society is governed in its operation by certain rules which determine the mode of distribution of its funds, and the description of the individuals to whom relief shall be given. Since 1832, when a fourth of the fund raised under the Provincial Act, was placed at the disposal of the Society, they have received from that source, £5,795 5s. 2½d.; have forwarded 16,884 emigrants, (the great mass of whom have been sent to Montreal,) out of a total emigration of 166,242, or about one-ninth of the whole. They have received during the same period, from private charity, £1,019 10s. 2d., and have assisted 5,045 persons in the manner formerly described; the amount from the former source is less than the number of emigrants during the period would give by the emigration or capitation tax, from the Provincial Act having expired in 1834, and not been renewed till 1835, so that during the former year, which from the prevalence of epidemic cholera, was one of great suffering to the poorer emigrants; the Society had at its disposal only about £416 for all purposes. In addition to this the Society had endeavoured by various representations to the Government, to obtain improvements in the system of emigration, and the removal of various hardships to which the emigrants have been, and to some of which they still are subject; for example, in the year 1833, the mortality and distress which occurred amongst commuted pensioners, coming out as emigrants, induced us to represent the same to the Provincial Government, and to deprecate the continuance of a system so ruinous to the pensioner emigrant, and so injurious to the public. And in 1834, in compliance with resolutions passed at a meeting of the citizens of Quebec, we inquired into the operation of the Passengers' Act, the 9th George 4th, cap. which operated very unfavorably to the life and health of emigrants, and suggested certain improvements in it, many of which have been since embodied in the present Passengers' Act.

Do you consider the present Passengers' Act sufficient for its purpose?

If its provisions were duly enforced in England, I should think it was nearly sufficient. I am also inclined to think that a sufficiently qualified medical man should be provided for a smaller number of emigrants than the Act requires.

In what respect are the provisions of the Passengers' Act not sufficiently enforced?

I think you might obtain from other persons a more correct answer to this question than I am able to give.

Do you think that the establishment of a responsible authority at home to enforce the provisions of the Passengers' Act, before the departure of the emigrants, would be an improvement of the system?

Assuredly.

Is it your opinion that with proper arrangements, large bodies of emigrants might come from England to this country, without incurring the evils that you have described ?

I should think they might under the Passengers' Act duly enforced, and good preparatory provisions made in this country, but not without.

Henry Jessopp, Esquire.

You are Collector of Customs of the Port of Quebec ?

Yes ; I have been so since 1833.

You have had good opportunities, I presume, of observing the operation of the provisions of the Passengers' Act, so far as they affect emigrants arriving here from the United Kingdom ?

I have.

Will you be so good as to state whether you consider the present Passengers' Act, as at present enforced, a sufficient provision for the protection and well-being during the passage of the poorer and more ignorant class of emigrants ?

If the provisions of the Act were strictly enforced by the Agents at home, it might be, with certain improvements.

In what respect does it appear to you that the provisions of the Act require to be more strictly enforced ?

It very often happens that the poorer emigrants have not a sufficiency of provisions for the voyage ; that they should have a sufficiency of provisions might be enforced under the Act which authorises the inspection of provisions by the out-port Agents for Emigrants ; many instances have come to my knowledge in which, from insufficiency of provisions, emigrants have been thrown upon the humanity of the captain or the charity of their fellow passengers ; it would appear also from the fact that many vessels have more emigrant passengers than the number allowed by law, that sufficient attention is not paid, at the out port, to enforce the provisions of the act, as to the proportion between the numbers and tonnage.

Have such instances been of recent occurrence ?

Not this season ; emigration having almost ceased in consequence, I presume, of the political state of the Province ; but last year there were several instances in which prosecution took place ; vessels are chartered for emigration by persons whose sole object is to make money, and who make a trade of evading the provisions of the act. This applies particularly to vessels coming from Ireland. We have found, in very many instances, that in vessels chartered in this way, the number was greater than allowed by law, and the captains have declared that the extra numbers smuggled themselves, or were smuggled on board, and were only discovered after the vessel had been several days at sea. This might be prevented by a stricter examination of the vessel. The Imperial Act requires that the names, ages, sex, and occupation of each passenger should be entered in a list certified by the Customs Officers at the out port, and delivered by the captain with the ship's papers to the Officer of the Customs here. Lists purporting to be correct are always delivered to the Tide Surveyor, whose duty it is to muster the passengers and compare them with the list, and this list in many instances is wholly incorrect as to names and ages.

What is the object of falsifying the age ?

Infants under 12 months do not pay any thing, children from 1 year to 7 count only three to an adult ; from 7 to 14, two ; and the object of the falsification is to defraud the revenue by evading the tax upon emigrants, payable under the provincial law ; this tax is paid, not by the emigrant, but by the ship owners, or the person who charters the vessel who therefore has a direct interest in the falsification.

With what object are the names falsified ?

A list of persons is made out, and if any of them do not take their passage, the names remain for others who may be substituted for them.

Does any practical inconvenience arise from this falsification ?

As to age, the obvious disadvantage of defeating the deliberate provision of the Act, as to the proportion between numbers and tonnage and of evading the tax imposed here. The falsification of names produces no inconvenience, and I have only referred to it for the purpose of shewing the careless manner in which the system is worked by the agents in the United Kingdom. All prosecutions for the infringement of the Act take place here, and much inconvenience arises from the delay and the expense of prosecution.

Be so good as to describe that delay and that expense ?

Prosecution can only take place in the Vice Admiralty Court, which, until lately, has only sat at certain intervals, and there is a necessity of bringing up the captain and his witnesses from the different coves, to the serious injury of their business. The expense of prosecution in 1836, amounted on the average to about £18 in each contested case ; the penalty being only £22—last year the masters of the different vessels confessed judgement, and the expenses of each case were about £11.

In what manner were these expenses incurred ?

By the Attorney General's bill, and the Court awarding the charges against the Crown.

So the Attorney General was made the prosecutor under the Act ?

Yes, under our instructions to send all cases to him.

And he is of course entitled to fees ?

Yes.

Which probably constitute the bulk of the expense ?

Nearly the whole expense consists of fees to the Attorney General, and other officers of the court.

Do any other points occur to you relating to defects in the administration of the Act in England ?

The emigrants should be examined by a medical man before embarkation, so as to prevent disease from being taken on board, especially small pox.

Be so good as to mention such suggestions of improvement of the passengers, Act as may have occurred to you ?

I am of opinion that the penalty for exceeding the number of passengers allowed by the act is too high in some cases, and too low in others. The cases in which the penalty is too high, are where the number is not exceeded by more than three or four, or where the Captains can prove that the extra number have smuggled themselves on board,—in such cases, though the penalty enforced may not be more than £5, the costs both of the Captain and the crown are the same, and are from £10 to £12 to the former, this penalty is too low in all aggravated cases, and since it has been decided that under the clauses which impose the penalty of from £5 to £20 for every offence, the whole number in excess constitutes but one offence, the penalty becomes nugatory ; for in proportion to the greatness of the offence, is the smallness of the penalty, a Captain having for instance from forty to fifty above his number, may get by this excess from £80 to £100, while the utmost penalty is only £20,—instead of this fixed penalty I would suggest that the penalty should be about £2 sterling for each

passenger, being about the passage money for each, in this way no master of a vessel could find it to his interest to pass the limits fixed by the law, I have already brought the subject under the notice of the board of Customs by a letter written early in January, but have not heard any thing from them on the subject; there should also I think be a power of summary conviction, before two Magistrates, for infringements of the act instead of the prosecution before the Court of Admiralty; in this case the penalty might easily be awarded according to the number of passengers exceeding the limit allowed by law.

Do you think that such improvements as you have suggested in this act are absolutely necessary?

I think that they are necessary to impose a check upon persons who make a trade of providing the passages for emigrants, as well as for the benefit of the emigrants themselves in such cases. All complaints with regard to excess of numbers and the condition of the Emigrants during their passage and at their arrival here, are attended to by the Emigrant Society and the agent for emigration, but there is great difficulty in substantiating the latter.

What has been the effect of the lumber trade upon the cost and security of the passage of the Emigrant to this country?

As to the cost, it certainly has enabled the Emigrant to come out to this country at a much lower rate than he would otherwise have been able to do, in consequence of the very considerable number of vessels proceeding to this country in ballast. With regard to the latter point, the security of the Emigrant,—in consequence of the numerous wrecks that took place, and the consequent loss of life, attention was drawn to the very inferior class of vessels that were chartered for the accommodation of Emigrants coming to this country, and the Government has consequently interfered, and have compelled the employment of a better class of vessels, since which period wrecks have been far less frequent.

Are the precautions at present adopted to secure the employment of a proper class of vessels for the passage of Emigrants in your opinion sufficient, or can you suggest any alteration by which their efficiency might be increased?

I should suggest that before any Emigrants are allowed to embark in any vessel, a survey of the same should be held by two or more competent persons, and a copy of the report of survey lodged with the collector or chief officer of customs at the port, or with the resident Emigrant agent, with a sufficient penalty to enforce the observance of the rule.

Can you state what has been the actual number of shipwrecks of Emigrant vessels proceeding to this port from the United Kingdom during the last eight years?

I have no record of the number of shipwrecks or the extent of loss of life, in my office, but I will endeavour to procure and furnish you with the particulars.

Have you had any opportunity of observing the character of the emigration to this country conducted by the late Earl of Egremont, as regarded the provision made for the comfort and health of the Emigrants?

Yes I have been on board many of the vessels sent out by the late Earl of Egremont; the vessels were well found, the Emigrants were clean and comfortable, well provisioned, and not only had every arrangement been made for their comfort during the voyage, but for their

settlement in this province, each body of Emigrants was under the care of an agent, sent out for the purpose, who was charged to watch over their comfort during their passage, and to accompany them to the settlement prepared for them; and a sum of money was granted to each family to secure their support for twelve months. Not merely were the arrangements for the passage, better than in any other Emigrant vessels that I have seen, but the Emigrants were generally of a superior class, and better selected than any of those who have been sent out at the expense of the parishes, or who have emigrated at their own cost.

Have the Emigrants, generally, who are sent out by parishes been inferior to those who found their own way out?

Very generally, both morally and physically; the parishes have sent out persons far too old to gain their livelihood by work, and often of drunken and improvident habits. These Emigrants have neither benefited themselves nor the country, and this is very natural, for, judging from the class sent out, the object contemplated must have been the getting rid of them and not either the benefit of themselves or the colony. An instance occurred very recently which illustrates this subject: a respectable settler in the eastern townships lately returned from England in a vessel on board of which there were one hundred and thirty six pauper passengers, sent out at the expense of their parishes, and out of the whole number he could only select two that he was desirous of inducing to settle in the eastern townships; the conduct of the others both male and female, was so bad that he expressed his wish that they might proceed to the Upper Province instead of settling in his district: He alluded principally to gross drunkenness and unchastity.

In the course of your observations upon the mode of emigration of the poorer classes to this country, have any improvements suggested themselves to your mind?

I have thought that a general board of emigration should be established in England, with efficient local agencies. This board should have the entire charge of the emigration of the poorer classes, as regards especially the selection of persons and vessels, and indeed every arrangement connected with the emigrant, until his arrival in this country, where he should find a branch of the Home Commission, whose duty should be to make every arrangement for his reception and settlement in one of these Provinces. By this arrangement the welfare of the emigrant would be secured, and the inhabitants of Quebec and Montreal would be relieved from the constant appeals, to which they are subject, from persons who arrive here and linger about in a state of total destitution.

Joseph Morrin, Esquire, M. D.

You were formerly Health Commissioner under the Provincial Act of 1832, establishing a Board of Health, and are now Inspecting Physician of the port of Quebec?

Yes.

How long have you resided in this country?

I have been in practice here for these twenty years.

Are you a member of the Committee of the Emigrant Society?

I was, but am not so at present, having ceased to be a member on becoming Commissioner of the Marine and Emigrant Hospital, in which capacity one-fourth of the fund raised under the act imposing a tax upon emigrants, passes through my hands.

What is the nature of that tax?

It is a capitation tax of five shillings upon all adult emigrants arriving in the Province, whether rich or poor.

In what manner is the produce of the tax disposed of?

One-fourth is received by the Commissioner of the Emigrant Hospital at Quebec, for the relief all sick emigrants arriving until the opening of the navigation the year following their arrival; another fourth is placed at the disposal of the Quebec Emigrant Society; another fourth is placed at the disposal of the Governors of the Montreal General Hospital for the benefit of sick emigrants, and the remaining fourth at the disposal of the Montreal Emigrant Society.

You have had occasion to observe the condition of the poorer class of emigrants upon their arrival in this country?

I have.

Will you be good enough to describe it?

Since the establishment of the Quarantine at Grosse Isle, thirty miles from Quebec, in 1832, where all emigrant ships are obliged to stop, I have had less opportunity, than formerly, of seeing the state in which emigrants actually arrive. Before that period, I was well acquainted with it, often from personal inspection. The vessels then came direct to this port. I am almost at a loss for words to describe the state in which the emigrants frequently arrived. With a few exceptions the state of the ships was quite abominable, so much so, that the Harbour Master's boatmen had no difficulty at the distance of gun-shot, either when the wind was favorable or in a dead calm, in distinguishing, by the odour alone, a crowded emigrant ship. I have known as many as from thirty to forty deaths to have taken place in the course of a voyage, from typhus fever, on board of a ship containing from 500 to 600 passengers, and within six weeks after the arrival of some vessels and the landing of the passengers in Quebec, the hospital has received upwards of 100 patients at different times from among them. On one occasion I have known nearly 400 patients at one time in the Emigrant Hospital of Quebec, for whom there was no sufficient accommodation, and in order to provide them with some shelter, Dr. Painchaud, the then attending physician, with the aid of other physicians, incurred a personal debt to the Quebec Bank, to a considerable amount, which, however, was afterwards paid by the Provincial Legislature.

Was the mortality great amongst the emigrants at that time?

Yes, considerable, and was attended with most disastrous consequences;



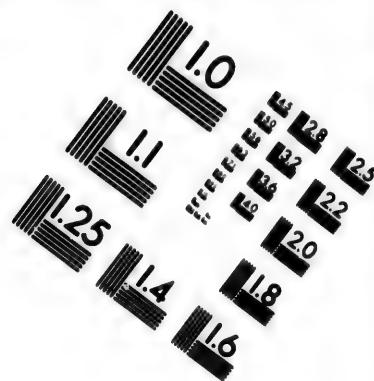
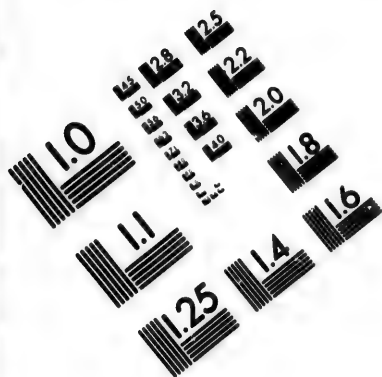
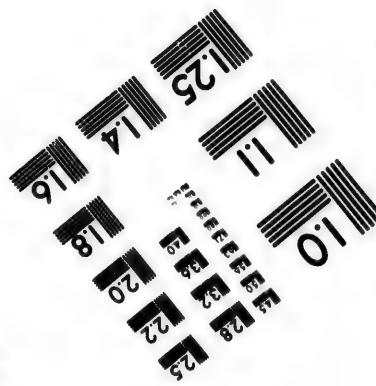
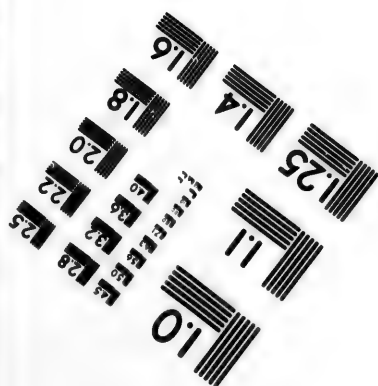
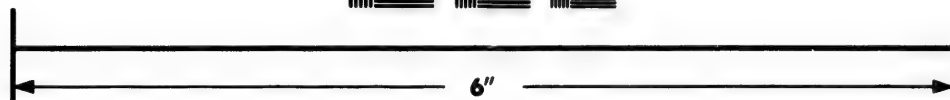
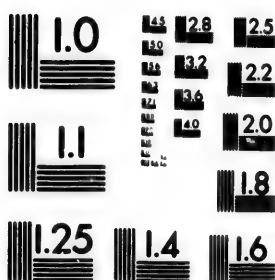


IMAGE EVALUATION TEST TARGET (MT-3)



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

18 20 22 25
16 18 20 22 25
14 16 18 20 22 25

10 01
11 11
12 12

children being left without protection, and wholly dependent upon the casual charity of the inhabitants of the city. As to those who were not sick on arriving, I have to say, that they were generally forcibly lauded by the masters of the vessels, many without a shilling in their pockets to obtain a nights lodging, and very few of them with the means of subsistence for more than a very short period. They commonly established themselves along the wharves, and at the different places, crowding into any place of shelter they could obtain, where they subsisted principally upon the charity of the inhabitants. For six weeks at a time from the commencement of the emigrant ship season, I have known the shores of the river along Quebec for about a mile and a half crowded with these unfortunate people, the places of those who might have moved off being constantly supplied by fresh arrivals, and there being daily drafts of from ten to thirty taken to the hospital with infectious disease. The consequence was, it spread among the inhabitants of the city, especially in the districts in which these unfortunate creatures had established themselves. Those who were not absolutely without money got into low taverns, boarding houses and cellars, where they congregated in immense numbers, where their state was not any better than it had been on board ship.

You are describing a state of things which existed some years ago ?

It existed within my knowledge from 1826 to 1832, and probably for some years previously.

Since 1832, has not a considerable improvement taken place ?

Yes.

To what do you attribute this improvement ?

To the Passengers Act, the existence of the fund for the benefit of emigrants already alluded to, and the establishment at Grosse Isle, where all cases of contagious disease are detained, and the emigrants who are affected with such disease are landed, and subjected to some discipline, for the purpose of cleanliness, the ship being also cleaned whilst they remain on shore. Grosse Isle has been made public property, and the whole establishment there is under the direction of the Executive Government. There is a person called the Suttler, with whom a general contract is made, that he shall have on the Island all such necessaries as may be required by emigrants on their arrival, at a small fixed advance upon the current prices at Quebec, and a list of the prices is constantly exhibited in a public place, where all the emigrants may see it, and the suttler is obliged to take the English money of the emigrants at the Quebec rate of exchange.

Do you consider the provision of the Passengers' Act sufficient for their purpose ?

Speaking generally I should say they would be, if rigidly enforced.

Do you mean enforced here or in England ?

In England. If I may believe what has been repeatedly stated to me by emigrants and persons who had the best means of information, and whom I had no reason to disbelieve, there has been much neglect in enforcing the stricter provisions of the Act. The Act is evaded in various ways, especially as respects the quantity and quality of provisions, and also as to the excess of numbers more than allowed by the Act. I refer principally to what took place before the last two years, having had no opportunity of examining the working of the Act during that period.

Had you an opportunity of inspecting the emigrant vessels, sent out by the late Lord Egremont ?

I had as to some of them, and all of those vessels that I have seen, arrived in a state of health and cleanliness, far surpassing any other vessel that I have seen. The emigrants were clean, contented, orderly and in good spirits, but those emigrants were under the especial charge of an agent, who watched over them during their voyage, and was bound to accompany them to the locations which had been previously provided for them. Out of the many vessels despatched by his Lordship, I have heard but of one case of illness occurring in them, and even of that I am not certain. This emigration in all its arrangements seemed to me, as far as I could observe them, quite unobjectionable.

You could hardly wish for better arrangement in any case?

I should be at a loss to suggest any thing better.

Are you aware that these emigrants were sent out at Lord Egremont's expense, and that he was able, consequently, to adopt a system with proper discipline?

Yes, I have understood so.

Quebec, 4th August, 1838.

Charles Poole, Esqr. M. D.

You are inspecting Physician at the Quarantine Station of Grosse Isle ?

Yes, and have been attached to that station for the last six years.

What are your duties as respects emigration ?

First, the inspection of all people arriving in the River St. Lawrence, and the examination of all passengers for the detection of disease ; Secondly, taking measures for disinfecting vessels and sending to the Hospital all persons laboring under, or, threatened with any disease considered contagious.

Do you attend upon the patients in Hospital ?

Not at present, but I did so in the years 1833 and 1834, when I was Medical Superintendent of the Hospital.

Can you give any statement of the number of Emigrants who arrived during those years and how they were disposed of ?

I have prepared such a statement and beg leave to put it in.

GROSSE ISLE.

Table of the number of Emigrants arrived, admitted to Hospital, discharged and died during the last six years up to this date, 7th September, 1838, also number of deaths during the passage, 1836, 1837, and 1838.

	Admis- sions.	Dischar- ged.	Deaths	No. of Emi- grants Arrived	Deaths on the Pas- sage.	Remarks.
1833	239	212	27	22,062		
1834	844	580	264	30,960		Cholera year.
1835	126	116	10	11,580		
1836	454	396	58	28,956	205	Typhus fever generated on ship board has been so highly contagious among the Emigrants landed here, that four Medical Officers have been attacked, of whom one died, and twenty-three Hospital Servants, of whom five died in the last five years at this station.
1837	597	540	57	22,225	237	
1838 to 7 Sept.	48	39	5	4,992	13	
Total.						

You have read the evidence given before this commission by Mr. Buchanan, Dr. Morin, Dr. Skey, and Mr. Jessopp?

I have ; and I concur generally in the view of the subject taken by Mr. Jessopp, Dr. Morrin, and Dr. Skey : but as all Emigrants without exception necessarily come under my inspection after the voyage, I may perhaps be able to add some information to that which has been furnished by them.

Your personal experience relates to the period during which the Emigrant tax has been levied, and the amended passengers act of the Imperial Parliament has been in operation ?

It does—Speaking of the operation of present arrangements, we had last year upwards of 22,000 Emigrants. The poorer class of Irish and English paupers sent by parishes, were, on the arrival of the vessels, in many instances, entirely without provisions ; so much so that it was necessary to supply them immediately with food from shore, and some of these ships had already received food and water from other vessels with which they had fallen in : other vessels with the same class of Emigrants were not entirely destitute, but had suffered much privation from having been placed on short allowance. This destitution or shortness of provision, combined with dirt and bad ventilation, had invariably produced fevers of a contagious character, and occasioned deaths on the passage ; and from such vessels, numbers varying from twenty to ninety each vessel, have been admitted to Hospital with contagious fever immediately on their arrival. I attribute the whole evil to defective arrangements. For example, parish emigrants from England receive rations of biscuit and beef or pork often of bad quality (of this I am aware from personal inspection) they are incapable from sea sickness of using this solid food at the beginning of the passage, when, for want of small stores, such as tea, sugar, coffee, oatmeal and flour, they fall into a state of debility and low spirits, by which they are incapacitated from the exertions required for cleanliness and exercise, and also indisposed for solid food ; more particularly the women and children, and on their arrival here, I find many cases of Typhus fever among them. Very few of these vessels have on board a sufficient quantity of water ; the casks being insufficient in number, and very many of them old oak casks made up with pine heads, which therefore leak if they do not fall to pieces, which often happens.

Does this take place from Ports where there is an Agent for Emigrants ?

I have had many similar cases from Liverpool, and would mention two, of the "Ceres" and "Kingston," which arrived at Grosse Isle on the same day from Liverpool, in July 1836, of which the circumstances were so bad as to induce me to report them to the Civil Secretary, by whom I was informed that the Report was forwarded to Her Majesty's Principal Secretary of State for the Colonial Department. Those two ships left Liverpool about the same time ; the one having 446 passengers, the other upwards of 340. The captains respectively by name and called the attention of the Agent for Emigrants at Liverpool to the water casks prepared for the use of the Emigrants, pointing out that they were what is called "leaguers," that is very large casks made up of smaller old casks, and with pine heads, requesting that they might be filled before embarkation, to prove their quality.—This was refused by the Agent, and

the casks were taken on board without proof. The loss of water by leakage in the *Ceres* was computed during the first three days at 800 gallons, and the *Kingston* nearly as much. On the arrival of these vessels at Grosse Isle, although the Emigrants had been on short allowance of water, the *Ceres* had enough for no more than half a day, and the *Kingston* was quite without water. The passengers in both ships had suffered very much from want of water. The temporary berths also on board both of these ships were so badly constructed that they came to pieces with the first heavy sea, causing the deaths of two children and severely injuring many others. The medicine chests on board these vessels, as is too frequently the case, were not more than 18 inches square, or sufficient for more than 25 passengers.—Of castor oil one had only three pints, and of Epsom salts only 3 lb. Had these vessels been properly inspected nothing of the kind could have occurred.

But these were peculiar cases and perhaps unique ?

On the contrary, I but too frequently meet with similar cases, more or less aggravated. I also wish to mention, as loudly calling for a remedy, a system of extortion carried on by masters of vessels, chiefly from Ireland, whence come the bulk of our emigrants. The captain tells emigrants the passage will be made in three weeks or a month, and that they need not lay in provisions for any longer period, well knowing that the average passage is six weeks and often extends to eight and nine. When the emigrants' stores are exhausted, the captain who has laid in a stock for the purpose, obliges them to pay often as much as four hundred per cent. on the cost price, for the means of subsistence, and thus robs the poor emigrant of his last shilling.—Such cases are of frequent occurrence, even down to last year.

When complaints as to the state of Canada emigrant ships have been made in England, the answer has commonly been an admission of great defects formerly, with a statement that at present the arrangements are very different, and no longer objectionable. Does your description apply to the past or the present ?

Down to last year. This year there have been so few emigrants, that there has been little to observe upon, though even this year, in some cases, provisions and water have been deficient in quantity, and some vessels have arrived with small pox, the origin of which was traced to individuals who embarked with the disease upon them. A proper medical inspection would have prevented this evil. The medical superintendence on board vessels obliged by the Passengers' Act to carry a surgeon is also very defective. The majority of such persons, called surgeons, are unlicensed students and apprentices, or apothecaries shop-men, without sufficient medical knowledge to be of any service to the emigrants, either for the preservation of health or cure of disease. On boardship a knowledge of the means of preventing disease in such a situation is the first requisite in a medical man, and in this the medical superintendents are lamentably deficient. It is not much better as to the cure of diseases. I boarded a ship last year of which the captain and the passengers who had met with accidents, had their limbs bandaged for supposed fractures, which upon examination, I found were only simple strains or bruises. On examining the captain's arm, I said that there had been no fracture: the surgeon, so

called, replied, "I assure you the *tibia* and *fibula* are both broken." It happens that the *tibia* and *fibula* are bones of the leg. This is an extreme case apparently, but is not an unfair illustration of the ignorance and presumption of the class of men appointed to comply with that part of the Act which is intended to provide for the medical care of emigrants during the passage.

Have you any other remarks to make on existing arrangements?

I wish to say that the reports made to me by the class of captains and surgeon superintendents now bringing passengers, are seldom to be relied upon; in illustration I beg leave to mention a case that occurred last year. It was a vessel with about 150 passengers on board, from an Irish port. The captain and surgeon assured me that they had no case of sickness on board, and the surgeon produced a list which he had signed, of certain slight ailments, such as bowel complaints and catarrhs, which had occurred during the passage, and which appeared on the list with the remark "cured," to all of them. On making my usual personal inspection of each emigrant, I found, and sent to Hospital upwards of 40 cases of Typhus fever, of which 9 were below in bed. These nine they had not been able to get out of bed; many of the others were placed against the bulwarks to make a show of being in health, with pieces of bread and hot potatoes in their hands.

What is the captain's interest in such deception?

To prevent detention of the ship in quarantine.

And the Surgeon's?

One can hardly say, but that they are probably influenced by the Captains. Nevertheless, as there are many most respectable captains in the lumber trade, a proper selection of vessels by the Emigrant Agents at home would prevent this abuse.

Is that all?

No; that part of the law which regulates the height between decks of emigrant ships, is frequently evaded in the smaller class of vessels by means of a false deck some distance below the beams, bringing the passengers nearly in contact with the damp ballast and pressing them into the narrow part of the ship, and the beams taking an important part of the room allotted to them by law.

Is it possible that such fittings should escape observation in the port of departure?

Quite impossible, if that part of the vessel intended for emigrants be visited.

Are such cases common?

In many of the smaller class of vessels from Ireland, Yarmouth, Lynn, Ipswich, &c., bringing parish emigrants.

Is there any peculiar superintendence on board for parish emigrants?

Not that I am aware of; and I should say that there is none, because they are generally at the mercy of the captain or mate who serve out the provisions, and who frequently put emigrants on short allowance soon after their departure. Complaints of short weight and quantity in the provisions are frequently made.

Have you brought these facts to the knowledge of government?

These or similar circumstances have been mentioned by me in my annual reports for the years 1833, 1834 and 1836.

Was there any perceptible improvement in 1837 ?

But little in the arrangements at home, but the alteration of the Quarantine Regulations here, giving me a discretionary power to permit emigrants arriving clean and healthy to proceed to Quebec without detention or landing on the Island, has induced the masters of vessels to pay more attention to the health and cleanliness of the passengers, in the hope of avoiding the detention which used to be required in all cases. It operates as a premium to care and attention on the part of the captain, and has had a salutary effect on the comfort of the emigrants. It has also obviated the great former inconvenience to the merchants of Quebec, of having their vessels detained when clean and healthy. This, therefore, is a considerable improvement; but the state of the vessels generally for the year 1837, was nevertheless far from what it might be, with a good system of inspection and arrangement at home. For instance, 597 cases of typhus and small pox were sent to Hospital, the greater part of which, as I have said before, were owing to bad arrangements. I also wish to remark in corroboration of Mr. Jessopp's statement, that down to the present time, the lists and description of emigrants required by the Imperial Act to be certified by the Customs officer at the port of departure are seldom correct, either as to name, description, or number of passengers, so much so that it is difficult for me to find out whether any deficiency of number has been occasioned by death or otherwise. These falsifications are, first, for the purpose of evading the emigrant tax which is levied in proportion to age; and the common fraud is to understate the age; and, secondly, for the sake of carrying more passengers than the law allows, by counting grown persons as children, of which last the law allows a larger proportion to tonnage than of grown persons.

Is this fraud general ?

Yes very common, of frequent occurrence, and it arrises manifestly from want of inspection at home.

Have you had any means of learning the degree of inspection that takes place at home ?

If there is not one passenger to every 5 tons no inspection takes place, and captains have in many instances told me that the agents only mustered the passengers on deck,—enquired into the quantity of provisions, and in some cases required them to be produced, when occasionally the same bag of bread or other provisions was shown as belonging to several persons in succession. This the captain discovered after sailing. The mere mustering of the passengers on deck, without going below where the provisions were kept, is really no inspection at all; and it frequently happens that passengers are smuggled on board without any provisions. There is another evil which might be readily obviated by a proper selection of vessels at home; that of employing as emigrant ships, vessels that are scarcely sea-worthy, and which consequently being unable to carry sail, make very long passages. As the tonnage of the best class of vessels coming to Canada is more than sufficient to bring all the emigrants in any year, the employment of these bad ships ought not to be permitted.

Have any remedies for existing evils occurred to you ?

I can only agree with Mr. Jessopp and others with respect to a special board of emigration at home, having no other occupation than that of superintending the selection and passage of emigrants, with responsible agents at the various ports of departure, who should be obliged to inspect all vessels bringing passengers, whether they have few or many on board, for according to the Emigrant Act, a large vessel may bring out 100 passengers, and no inspection is required or made. Were the clause No. XX. of the Passengers' Act left out, and the Act otherwise enforced at home, the state of emigrants on ship board would be much ameliorated. The present system at Grosse Isle works well and easily accomplishes its object of preventing the introduction of contagious diseases into the Province, without unnecessary detention of the vessels. With respect to the care of emigrants after their arrival at Quebec, I offer no opinion.

Rev. Edmund Willoughby Sewell.

Minister of the Chapel of Holy Trinity in Quebec, and a Member of the Corporation for managing the Clergy reserves.

When was the corporation for managing the clergy reserves originally created ?

I believe in about the year 1818, but I have not the letters patent to refer to at present.

What are the general duties of that corporation ?

To lease the lands reserved for the support of the protestant clergy, to collect the rents, and generally to perform all the duties annexed to the management of land.

Of what do the clergy reserves in this province consist ?

They consist of one seventh of the conceded lands of the province, exclusive of the seigniories.

It has been suggested to the commissioners that, under the terms of the Act 31st George 3rd. generally known as the Constitutional Act, under which these reserves were authorized, the clergy reserves ought to be equal to one seventh of the land granted, and therefore one eighth of the whole land, comprised, for instance, in a township, instead of one seventh of the whole land comprised in such township, as appears to have been the practice. Will you therefore be kind enough to state what opinion you have formed on the subject ?

I am of opinion that it is to be one seventh of every township.

The words of the Act are that "Whenever any grant of land shall be made, there shall at the same time be made, in respect of the same, a proportionate allotment and appropriation of lands, for the support of a protestant clergy, within the township or parish to which the lands granted shall appertain, and that the lands so allotted and appropriated shall be equal in value to the seventh of the land so granted," supposing that for instance seven eighths of a township should have been granted would not the remaining eighth (supposing the land to be of equal value) be equal to a reserve of one seventh of such grant ?

I should say so. But I conceive that the intention of the framers of the Act was to grant one entire seventh of each township to the clergy.

The practice I believe has been to appropriate one seventh of the whole township as a clergy reserve ?

I understand so.

A considerable portion of the lands reserved for the clergy has been sold under the authority of an Act of the Imperial Parliament, what has been the character of the sales thus made ?

A great deal of the property has been sacrificed, particularly in the case of the lands that were under lease at the time.

The value of the property under the management of the corporation then has been materially diminished by these sales ?

Yes certainly.

Can you judge to what extent ?

I cannot state positively, but I find by a memorial addressed by the corporation to Lord Goderich in 1832, that in the case of twenty-five selected lots, the average price at which they were sold by the Commis-

sioner of Crown Lands amounted to 6s. 11d. per acre, while their estimated average value was 18s. 6d. per acre. These however were probably selected as the most striking instances, and may not form a fair example of the whole.

These sales were made I presume on the authority of the Commissioner of Crown Lands—had the corporation no power to interfere in the matter?

They could only remonstrate; and they made several remonstrances, but without effect.

So that in fact the property designed for the support of the clergy would appear to have been squandered away?

Undoubtedly.

Are you aware that great complaints have been made as to the injurious effect of clergy reserves in impeding the settlement and improvement of the province, by interposing tracts of wild land in the midst of the settled districts?

I am aware that such has been the case; but I do not think that such complaints are well founded to the extent represented. I think they have sprung more from a desire to injure the church than from the evil produced by the reserves; and I think that if the corporation had not been checked in their measures for leasing these reserves, the evil, such as it is, would not have been so great as it is represented to be.

But as these complaints exist, might it not be more advantageous for the clergy, that instead of a reserve of land, they should be entitled to a portion of the future sales of crown land, equal to the proportion of land to which they are entitled?

I do not consider that such an alteration in the present system would be for the advantage of the church, but I must be understood in this case as only expressing an individual opinion.

Augustin Nabert Morin, Esqr.

Advocate and Member of the late Legislative Assembly of Lower Canada.

You have had occasion to pay a good deal of attention to the subject of grants of lands to militiamen?

Yes, at different times Militiamen have applied to me for advice. I have also been eight years a member of the Assembly, and have generally been upon committees connected with the Land Department in general, and also, committees on militia lands.

Will you be so good as to inform us what has been the nature of the proceeding with regard to these grants?

Some time after the late war with the United States of America, free grants of land were promised by the provincial authorities, in the name of the Prince Regent, to disbanded soldiers and militiamen. The allowance was to be one hundred acres for each private, two hundred for non-commissioned officers, three hundred for ensigns, five hundred for lieutenants, eight hundred for captains, and I believe, 1,200 for superior officers. There had been six embodied battalions of militia, levied before, and during the war, those six battalions were called embodied militia, several corps of the sedentary militia, by which were designated all the population able to bear arms, were also put in requisition and organized, and were marched to the frontier, and served for more or less time. Several officers and militiamen of this last class, are also to be found among the applicants for land, and in fact, their case was foreseen in an Act of the Provincial Parliament.

To what Act do you allude?

It was an Act passed in the year 1819, granting £3,000 currency to give effect to the Royal Instructions, for the granting of land to militiamen and disbanded troops, who had served honorably during the late war, and to such others, as might be within the meaning and intent of the said instructions. It was understood that this sum would be sufficient for the surveys of the lands. A number of wild townships were in consequence, set apart and surveyed in the ordinary method, *i. e.* from a uniform diagram prepared beforehand, and without any attention to the physical topography, or to the means of access, or to the capabilities of each portion of land. These townships were not contiguous, it being probably thought better to have them in separate sections, but neither were they contiguous to other settlements; they were remote and unknown places. This must have caused irregularities in the surveys. In addition to this there were two-sevenths reserved for the crown and the protestant clergy, which were intermixed as elsewhere with the rest of the lots, but not improved, and which added to the toils and difficulties of the neighbouring settlers.

Were these the only impediments to the settlement of the lands by the militia grantees?

The management of public lands having always been centralized in Quebec, in officers not sufficiently connected, or acquainted with the country, and last of all, with regard to the poorer class, to which the militia men belonged, those of the militia men who knew of the Royal intentions were under the necessity of employing intermediate agents, many of whom soon turned speculators in militia claims, for very inadequate consideration. This kind of trade revived

every time, when, from the proceedings of Government, it was supposed, that the claims would be speedily settled. Some of the speculators went into all parts of the country, searching out militiamen. Several may have acted honestly and given a reasonable consideration for the assignment which they obtained, of the militiaman's claims. I know that many did not. Some obtained powers of attorney from the claimants, to act as their agents. Among the latter some have acted and still act *bona fide*, really pursuing the advantage of their clients; others acted for themselves; appearing to act under the powers of attorney but possessing at the same time secret assignments of the land to themselves. The epoch at which these jobbing transactions, took place were mostly at the beginning, and then from 1828, to 1830, in consequence of the favorable answer of Sir James Kempt, to an address of the Assembly, on behalf of militia men, whose claims had not been settled, and lastly under Lord Gosford, in consequence of his answer, and the dispatch which gave further time, for applications and promised some other advantages.

So that in proportion as the Government appeared disposed to favor the militia men, the system under which they were deprived of the advantages intended for them, took greater effect?

Yes, and I allude particularly to the last occasion in the year 1836, when the intentions of Government were announced afresh. In fact at this time, there are many individual speculators, each of whom represent militia claims to the amount of several thousand acres; some may have obtained patents; others have only location tickets; and others are still pressing the claims which they have purchased. Several officers who had more knowledge, and were better able to pursue their claims, have obtained their lands or their location tickets, for I must admit that numbers of militiamen must have been negligent. I think however they were discouraged by the difficulties and defects of the system. Those officers however have not generally improved their lands, but owing to the same difficulties, left them in their natural state or sold them to individuals, or companies. For to any one acquainted with the means of clearing, and improving remote wild lands, in Canada, it must be evident, that few persons even of the condition of militia officers could turn to any profitable account, land so remote from settlement; far less could the militia men. There were also some fees required in the public offices, and principally for the patents. The militiamen were too poor to pay them, or objected to them, saying that they had a right to a free grant. Where the patents issued in many cases they included a large number of lots, which no doubt occasioned delays and might necessitate legal transactions between persons utterly unknown to each other.

In what manner did militiamen, select their lands?

They obtained from the Surveyor General a certificate of vacancy of a half lot which contained one hundred acres, and upon that, and their certificates of services, they obtained location tickets. I have known instances where after a time the land included in location tickets not having been granted by patent for some cause or other, the lots so selected were given to the other militiamen. The location ticket contained a promise of a grant and permission to occupy. The locatees were to obtain their patents after three years, on condition that they would by themselves or others reside in the place, build a house, and clear four acres of land; being the same terms upon which location tickets were

granted generally. In most of the cases the militiamen were unable to comply with the conditions, and in many could not even find their land ; in many cases the conditions were not really fulfilled, but only colourably to obtain the patent. They built a mere shed and slept there for a few nights, and then swore that they had resided on the land. In fact it was impossible for a family, to reside at such a distance from other human beings, in such wild places as were selected for militia grants. Besides all the difficulties to which the Militiamen were exposed, there was much, and harrassing delay in the public offices, through which it was necessary to pass the patent. The poor people were obliged to be in direct communication with the public offices, as the professional men in general did not find it worth while to take up their cases, except as I have mentioned before, for their own benefit. There are township agents in some parts, but I do not know that they have greatly advanced the settlement of Militiamen.

Was this system of jobbing in Militia claims carried on secretly or publicly ?

Publicly.

What, quite without regard to decency ?

In some cases as I have explained sham powers of attorney were given, and the real assignment was kept secret, this secrecy might be considered as a regard to decency. But except in this respect, the whole matter was as public as possible.

Was it so public as to be known, do you think, to the officers of government ?

I think so, but no efficient remedy could have been applied, without some very important changes in the whole administration of the lands, which was not less defective, in respect to others than in respect to militia claims.

What has generally become of the land for which militia location tickets were given, but the titles to which has not been confirmed by patent ?

A great part is still in abeyance ; some lots are occupied by the owners, under the location tickets, others have been improved according to the conditions, either within or after the time prescribed. The location tickets were by many considered as a sufficient title, and passed as such in the market, at the same time, some portions of the grants have been resumed by the crown, in consequence of the conditions of settlement not having been performed within the time prescribed.

But has not the time prescribed for making original applications for such grants been frequently enlarged ?

Yes, twice.

It may have happened, therefore, that a person who postponed his original application, beyond the time fixed for the performance of conditions as to the early grants, would be in better condition than an early applicant ?

That may easily have been the case. The matter stands thus. The time for application was long elapsed, when after repeated demands, Sir James Kempt enlarged it to the 1st August, 1830. During that period no doubt, there were many new location tickets granted. The time elapsed again, and Lord Gosford, by his answer, which was afterwards confirmed by a dispatch from the home government, without enlarging the time to those who had not applied under Sir James Kempt, gave greater

facilities to those who had, by relieving them from the performance of the conditions ; so that it may have happened as I have said before, that those who been most neglectful of their claims may be better off than those who had urged their claims at first.

How has it happened that the lands of Militiamen have been resumed for non-performance of conditions, while in general there has been no resumption of any Crown land for this ?

I cannot say, I can only refer to the evidence of the late Commissioner of Crown lands, Mr. Felton, given before a Committee of the House of Assembly in 1835, on this subject.

You are referring now to that part of Mr. Felton's evidence, wherein he says, that of such lands above 3,000 acres were sold to Messrs. Thomas, Peoples & Fleming, at 2s. 6d. per acre, Mr. Thomas having been agent for the township, and the person at whose instance the lands had been resumed ?

I am, and I see in the same evidence that the sale to Messrs. Thomas, Peoples & Fleming was made upon a special order of the Governor, upon their application, and at the price of 2s. 6d. per acre, being half of the ordinary upset price of lands in the townships. Besides the townships specifically appropriated for the Militiamen, some of them had been allowed to exchange their grants, and had tickets of location of land in several other townships, where land was resumed. Mr. Felton says that in these townships, there was no distinction made as to Militiamen. My opinion is, that some lands which had been located to Militiamen, were also resumed in Aston and granted to others.

Have any conflicting claims as to lands arisen from such resumption and re-grants or sales ?

Yes to my knowledge they have arisen in the township of Aston, and I know also that there are such conflicting claims, to a great extent in Stansford, and Bulstrode, where Militiamen have been located, but I do not know whether they have arisen in the precise cases of Militiamen.

What was the precise character of the additional facilities given by the answer of Lord Gosford, and the dispatch to which you have alluded ?

The Militiamen were divided into three classes—1st. Those who had obtained their tickets previous to 1830. 2d. Those who had petitioned before that time. 3d. Claims made subsequent to 1830, or not then made ; to this last class no relief was given, nor any promise ; the two others were relieved from the condition of settlement. A Commission was named to enquire into the nature of the different claims, Mr. Langevin, its Secretary, worked zealously and perseveringly in the matter, but I do not know that the head of the Executive was ever called to pronounce upon the claims. Mr. Langevin collected the papers which were dispersed in different public offices, selected and classed them, much statistical information on this subject might no doubt be obtained from him ; since that time many poor Militiamen, who had never applied, have come forward, but uselessly. This last answer of government gave a system to the trade of Militia Claims, and fixed a price. The 1st class of Lord Gosford obtained from £7 to £10 : for their location tickets, the 2nd class from 35s. to 50s., the 3d class were considered a bad job, and were given for almost nothing.

Has any thing been done to relieve these Militiamen whose grants have been resumed ?

I do not know whether any of them have claimed on that account, I suppose that under the terms of the dispatch, they would be entitled to relief.

Have you any idea what proportion of the Militia Claims have been purchased by the speculators to whom you have referred?

I cannot form any precise idea, but my impression is, that it must amount to three-fourths of the whole.

The system then which you have described as having been pursued in respect to these claims must have tended to defeat the object of government in making grants to Militiamen, if that object had been the settlement of the province?

Yes.

And equally so if that object had been the permanent benefit of the Militiamen themselves?

Undoubtedly so.

In addition to your evidence, can you refer to any public documents which contain further details upon the subject?

Yes—1st. The report made to the Assembly on the 10th February, 1834, by a Committee, of which Mr. Kimber was chairman, and which was adopted by the House. 2nd. An address to Lord Aylmer, of the 24th February, 1834. 3d. The answer to this address of the 24th February, 1834. 4th. A report made to the House by messengers, on the 11th November, 1835, of the answer of Lord Gosford, to an address of the 6th of the same month. 5th. A Report of a Committee of the House, presented on the 2d January, 1836. 6th. An Address to the Assembly of the 26th February, 1836, and then 7th the answer of the 5th March, 1836, and to which I have referred, and which was followed by the dispatch from Lord Glenelg. There are also the minutes of evidence of the Special Committee of 1835 and 1836, which are to be found, dated 2d January, at the end of the 3rd Volume of the Appendix to the 45th Volume of the Journals of the House.

Mr. John Langevin.

You were I believe, Secretary to the Board appointed to investigate the militia claims for grants of land ?

Yes.

By whom was that board appointed ?

By Lord Gosford, in February, 1837.

Upon what were those militia claims founded ?

Upon a proclamation by the Earl of Dalhousie, dated November 2nd 1822, offering land to the six battalions of select and embodied militia, who served in the late war with the United States of America, and to such as marched to the frontier, upon a certain scale from 1,200 acres to Lieut. Colonels, to 100 each to the privates.

Was this proclamation issued by the authority of the Home Government, or on the sole responsibility of the Governor ?

I believe, for I have no means of knowing it officially, that it was directed by a dispatch from the Colonial Office to the Duke of Richmond, about the year 1818, which dispatch does not however appear to have been recorded, and to which therefore I am unable to refer.

Within what period were the applications originally to have been made ?

By the 1st June 1823.

How often has that time been enlarged ?

It was first enlarged to the 1st of May 1824, after that to the 1st of August 1830, and then by instructions received from the Colonial Office, all persons who had made their claims before the last mentioned time were to be put upon the same footing as they would have occupied at that date without any advantage being taken of their non fulfilment of conditions.

By whom were the applications for grants under this proclamation originally decided upon ?

They were referred to the Executive Council, or to the Auxiliary Land Board, which consisted of the following public officers, viz :—Clerk of the Council as chairman, Secretary of the Province, Auditor of Land Patents, and Surveyor General, who reported upon each case, and upon their report the Governor decided.

How much land had been actually granted to applicants before the appointment of your board ?

I have not the means of giving an accurate answer to this question, but the Secretary of the Province or the Commissioner of Crown Lands may be able to furnish you with the number.

Do you know on what conditions these grants were made ?

The person obtaining a location ticket was bound to settle on the land and remain there for a period of three years, and within that time to erect a dwelling house, and clear and cultivate four acres of land.

Have any of such grants been resumed for breach of condition ?

Yes, but in most cases only when the land was applied for, to be put up to sale by some party who was desirous of obtaining it, and perhaps occasionally when a free grant of the same land was applied for ; but I can not ascertain how many of these cases there were. The Surveyor General will, however, be able to furnish the information. I wish, however, to observe, that these conditions in effect destroyed the value of the

grant. An emigrant arriving from England was enabled to obtain a grant of 200 acres upon precisely similar conditions, as the 100 could be obtained by the militia, consequently it was regarded as of no value, and in many cases nothing was done to improve it.

What was the last regulation on the subject of these claims ?

The notice of the 22nd of February, 1837, to which I have referred, as placing all parties who had made their claims before August, 1830, upon the same footing as at the time of making their claims.

What is the number of claimants under this notice who have applied to your board.

Of the six battalions of embodied militia, 2,095 has been ascertained to have made timely application. Of all battalions and corps, including the above, 4,793. The number of those who, though not falling within the notice, have nevertheless claimed, is about 1,669. These are in addition to the cases upon which the government have decided, upon the representations of the board,

What amount of land would be required to satisfy the whole of the claims thus made ?

About 811,000 acres.

Have the Board come to a decision upon any of the claims, and what has been the nature of their decisions ?

The Board first proceeded to the investigation of cases under location tickets, and have gone through about 700 of them, upon all of which they have reported. Out of these 700, about 300 have been referred for patent, viz : their claims have been admitted by the Governor, and the remaining cases are in progress. Some of these cases have been laid aside until the principle upon which the decision should be grounded was settled by the government. The Board have also partially investigated a number of claims not under the location tickets, and have reported favorably upon most of them.

Then the great majority of the claims are as yet undecided ?

Yes.

Was there not some distinction intended to be made, by the proclamation of the 2nd of February 1822, between the different classes of militia ?

The words of that proclamation contain the distinction.

Has any such distinction been observed in practice ?

It appears to have been followed for a period ; after which a different course was in some instances followed by Lord Dalhousie, the then Governor.

What was the nature of that difference ?

It rejected the claims of some of the corps who had marched to the frontier.

Upon what ground ?

The following are his words under the date of the 29th of March 1824, " I feel myself under the painful duty to put a negative upon such claims as this, of the sedentary militia having for a short time marched to the frontier. I consider the battalions of incorporated militia alone entitled to grants of land and must confine it to that class."

The Executive Council, then, had admitted to the benefit of the proclamation every person who had ever been to the frontier ?

Yes, and even after the minute of Lord Dalhousie, they appear to have

acted for some time upon precisely the same principles, and the decision was sanctioned by Sir F. Burton, the Lieut. Governor of the Province during the temporary absence of Lord Dalhousie. At a later period however, in 1830, they also altered their opinion, and adopted with some exceptions, a rule somewhat similar to that laid down by Lord Dalhousie.

Have you any idea what number of the applicants would be likely to settle upon any land granted to them?

This would depend upon circumstances.

Do you imagine that half of them would?

Under very favorable circumstances one half might be expected, not the individuals themselves, many of whom are dead, and the rest old, but some members of their families.

Then the remainder would look forward to making a profit by the sale of their grant?

I should imagine so.

Is it not understood that the title to militia grants have in many cases been sold already.

There are no certain means of ascertaining, but I dare say there are a good many.

Can you form any opinion as to the proportion so sold?

No.

Appendix to Evidence for Lower Canada, No. 1.

Lower Canada, { Return of Crown Lands granted in each year from the 31st December
1823, to the 31st December 1837, inclusive.

1.	2.	3.	4.	5.	6.	7.	8.	REMARKS.
Year	Number of acres granted to Leaders and members of Leg. & Ex. Councils, Aso.	Number of acres granted to officers of the Brit. Army.	No. of acres granted to dis- charged Sol- diers & Pen- sioners.	Number of acres granted to Militia Claimants.	Number of acres granted to Squatters.	No. of acres granted not coming within any of previous descriptions.	Total number of acres granted.	
1824	1,457,209 acres granted to Leaders and associates from 1796 to 1809, inclusive.—	4100	Nil.	51810		34859		
1825		1000	"	32620		16274		
1826		Nil.	5500	3525		48224		
1827		800	6300	7640		38374		
1828		4504	Nil.	7300		9036		
1829		Nil.	"	3200		5282		
1830		2000	"	81425		10670		
1831		3408	8273	9400		9900		
1832		4000	19000	10116		4000		
1833		1200	22500	5200		Nil.		
1834		Nil.	2500	2500		4384		
1835		"	12164	3004		Nil.		
1836		"	4704	100		"		
1837		"	7728	Nil.		"		
	1457209	21012	88669	217840		181003		

No. 2.

Lower Canada. } Return of Crown Lands granted to Leaders of Town-
ships and their Associates from 1796 to 1809.

Year.	Townships.	Leaders' Names.	No. of Acres.
1796	Dunham	Hon. Thomas Dunn ..	40,895
1797	Brome	Asa Porter	41,758
"	Bolton	Nicholas Austin ..	62,621
1798	Farnham	Samuel Gale	23,000
1799	Dorset	J. Black	53,000
1800	Broughton	H. Junken & W. Hall	23,100
"	Stanstead	Isaac Ogden	27,720
"	Eaton	J. Sawyers	25,620
"	Upton	D. A. Grant	25,200
"	Grantham	W. Grant	27,000
"	Hunterstown	John Jones	24,620
"	Stukely	Samuel Willard ..	23,625
"	Stanbridge	Hugh Finlay	41,790
"	Stoneham	K. Chandler	24,000
"	Tewkesbury	G. Wulff & D. Letourneau	24,000
1801	Barnston	R. Lester & R. Morrough	23,100
"	Ireland	Joseph Frobisher ..	11,550
"	Leeds	Isaac Todd	11,760
"	Shefford	John Savage	35,490
"	Orford	Luke Knowlton	13,600
1802	Arthabaska	John Gregory	11,550
"	Barford	J. W. Clarke	27,720
"	Chester	S. McTavish	11,550
			<u>634,269</u>

1837	7728	Nil.	181003
"	88669	217840	
"	21012		
"	1457209		

Year.	Townships.	Leaders' Names.	No. of Acres.
1802	Durham	T. Scott	21,991
"	Ely	Amos Lay Junior ..	11,550
"	Halifax	B. Jobert	11,550
"	Inverness	W. McGillivray ..	11,550
"	Thetford	Mervin Nooth	23,100
"	Wickham	William Lindsay ..	23,753
"	Stoke	James Cowan	43,620
"	Sutton	P. Conroy & H. Best ..	39,900
"	Wolfstown	N. Montour	11,550
1803	Ascot	Gilbert Hyatt	20,188
"	Bury	Calvin May	11,550
"	Bulstrode	Patrick Langan	24,463
"	Brompton	W. Barnard	40,753
"	Clinton	J. F. Holland	11,550
"	Compton	J. Pennoyer & N. Coffin	26,460
"	Ditton	M. H. Yeomans	11,550
"	Hatley	H. Cull & E. Hovey ..	23,493
"	Kildare	P. P. M. De la Valtrie.	11,486
"	Kingsey	George Longmore ..	11,478
"	Potton	Henry Ruiter	27,580
"	Shipton	E. Cushing & W. Barnard	58,692
"	Dudswell	John Bishop	11,632
"	Buckingham	Fortune & Hawley ..	14,910
1804	Tingwick	S. F. Ferguson	23,730
"	Westbury	Henry Caldwell	12,262
"	Warwick	A. Steel	23,940
1805	Newton	M. Gaspard	12,961
"	Onslow	J. Richardson	1,073
"	Melbourne	H. Caldwell	26,153
			604,468

No. of Acres.

21,991

11,550

11,550

11,550

23,100

23,753

43,620

39,900

11,550

20,188

11,550

24,463

40,753

11,550

26,460

11,550

23,493

11,486

11,478

27,580

58,692

11,632

14,910

23,730

2,262

23,940

2,961

1,073

6,153

4,468

Year.	Townships.	Leaders' Names.	No. of Acres.
1805	Kingsey	Major Holland's family	11,198
1806	Auckland	Elizabeth Gould	23,100
"	Frampton	P. E. Desbarats	11,569
"	Hereford	J. Rankin	20,800
"	Hull	P. Wright	13,701
"	Acton	G. W. Allsopp	24,004
"	Ditto	Gother Man	22,859
1807	Lingwick	W. Vondenvelden	13,650
"	Lochaber	A. McMillan	13,261
"	Templeton	Ditto	8,949
"	Stanfold	Jenkin Williams	26,810
1808	Maddington	G. W. Allsopp	6,005
1809	Wentworth	Jane de Montmollin	12,390
"	Farnham	J. Cuyler & J. Allsopp .	10,176
			218,472
			From page 1, 634,269
			" 2, 604,468
			Acres. . 1457,209

No. 3.

Lower Canada. } Return of the number of acres of Land located to individuals in each year from 1817 to the 1st. day of August 1838.

Year.	Number of acres located prior to 1827.	Number of acres located from 1827 to the 1st August 1838 inclusive.	Total number of acres under Location.	Remarks.
1818	7200	.. .. .	7200	
1819	54179	.. .. .	54179	
1820	47830	.. .. .	47830	
1821	42300	.. .. .	42300	
1822	36674	.. .. .	36674	
1823	64575	.. .. .	64575	
1824	54574	.. .. .	54574	
1825	33325	.. .. .	33325	
1826	700	.. .. .	700	
1827	.. .. .	2591	2591	
1828	.. .. .	9312	9312	
1829	.. .. .	6200	6200	
1830	.. .. .	87995	87995	
1831	.. .. .	24294	24294	
1832	.. .. .	23698	23698	
1833	.. .. .	31276	31276	
1834	.. .. .	10400	10400	
1835	.. .. .	13400	13400	
1836	.. .. .	4704	4704	
1837	.. .. .	7932	7932	
	341357	221802	563159	

No. 4.

Lower Canada. { Return of Crown Lands sold in each year from 1828
to 1837, inclusive.

Years.	Number of acres sold.	Price.	Remitted to Officers under Regulations of the 1st. Augt. 1831.		Remitted to others &c., un- der authority from the Go- vernor or Secre- tary of State.		Received since 1831.	Total amount Received.
1823 to 1827	No sales made.	....	..	....	..	....	..	....
1828	20011	5044 9 0½	..	....	..	....	..	2782 13 6
1829	31366	7469 17 7	..	....	..	....	..	3233 19 6
1830	28077	7461 13 5	..	....	..	....	..	2580 0 5
1831	51357	12442 8 0	..	....	..	....	3235 5 6½	
1832	24112½	6108 2 1½	555	11 0	..	....	2954 19 2½	
1833	42569	7549 15	1499	12 7	436	16 8	3436 19 8½	
1834	43113	7822 15 2	2567	9 10	218	8 0	3166 18 6	
1835	136447	21772 7 10½	4179	18 1	..	....	7003 15 5½	
1836	39057	13600 14 5	4612	0 9	..	....	11862 7 2½	
1837	34360	5680 2 0	684	6 5	..	....	7474 16 9½	30135 24½
	450469½	75991 11 8½	14098	18 8	655	4 8	39135 24½	46731 15 9½

No. 5.

Lower Canada. { Return of Clergy reserves sold in each year from 1829 to
1837, inclusive.

Year	Acres sold on Quit Rent.	No. of acres sold absolutely.	Price.			Amount recvd. since 1831.			Total Amount received.	
1829	900	200	40	0	0	"	"	"	23	100
1830	1800	8156	1250	3	0	"	"	"	561	170
1831	5700	5632	1525	9	3	598	7	6		
1832	"	6873	1278	11	8	533	2	6		
1833	"	37278	12791	17	5	3454	11	6½		
1834	"	77265	17875	19	1	7476	8	4½		
1835	"	111275	23415	16	11½	10676	11	10½		
1836	"	34310	8568	15	4	15159	11	2½		
1837	"	18822½	5457	4	7½	11941	10	6½	49840	36½
	8400	299811½	72203	17	4	49840	3	6½	50425	106½

No. 6

Return shewing the quantity of Land reserved for the support of a Protestant Clergy in the different Letters Patent, issued under the Great Seal of the Province, granting lands to individuals.

LOWER CANADA.

m 1829 to

Total
Amount
received.

23 100

561 170

9840 364

0425 1064

Year	Township.	No. of Acres in each Township	No. of Acres in each year	Year	Township.	No. of Acres in each Township.	No. of Acres in each Year.
1796	Dunham	8179	8179	1801	Stanbridge	7500	
1797	Brome	8351	1.28	..	Brompton	8000	
..	Bolton	12524	1.5	..	Shipton	11600	43000
..	Potton	1200		1802	Stoke	8200	
1798	Magdalen Isls	8143	23,075 2 23	..	Barford	5400	
..	Farnham	4600	12743	..	Sutton	7600	
1799	Hinchinbrook	1080		..	Windsor	10200	
..	Henningford	4400		..	Chester	2200	
..	Clifton	2400		..	Simpson	8200	
..	Armagh	480		..	Halifax	2200	
..	Rawdon	380		..	Inverness	2200	
..	Chatham	440		..	Woolfstown	2200	
..	Buckingham	400		..	Leeds	2400	
..	Dorset	10200	19780	..	Ireland	2200	
1800	Stoneham	4800		..	Durham	4200	
..	Tewkesbury	5000		..	Compton	5000	
..	Grantham	5234		..	Wickham	4345	
..	Hunterstown	4400		..	Arthabaska	2000	
..	Upton	4800		..	Thetford	4400	
..	Stanstead	5325		..	Ely	2200	
..	Broughton	4400		..	Ixworth	200	75345
..	Stukely	4400		1803	Roxton	4800	
..	Hereford	4400		..	Granby	7627	
..	Eaton	5200	47959	..	Buckingham	2845	
1801	Shefford	6800		..	Milton	5993	
..	Barnston	4400		..	Clifton	4765.2	
..	Orford	2400		..	Ascot	2747	
..	Newport	2000		..	Bury	2200	

Year	Township.	Acres.	Total.	Year	Township.	Acres.	Total.
1803	Hatley ..	9430		1806	Aston ..	5454	
"	Ditton ..	2200		"	Aukland ..	4400	
"	Clinton ..	2000		"	Granby ..	200	
"	Bulstrode ..	4597		"	Frampton ..	2200	
"	Kingsey ..	2081 2		"	Acton ..	4876	
"	Hemmingford	1171		"	Milton ..	100	
"	Kildare ..	2400		"	Simpson ..	50	
"	Potton ..	5993 2		"	Eardly ..	1278	
"	Newport ..	2400		"	Buckland ..	2418	
"	Stanstead ..	173	63423 2	"	Chatham ..	800	24469
1804	Hemmingford	421		1807	Lingwick ..	3000	
"	Tingwick ..	4400		"	Lochaber ..	3024	
"	Warwick ..	4600		"	Templeton ..	1841	
"	Eaton ..	1000		"	Stanfold ..	4884	
"	Westbury ..	2273		"	Ham ..	4400	
"	Nelson ..	7761		"	Hull ..	100	17249
"	Somerset ..	7669		1808	Grenville ..	200	
"	Windsor ..	50		"	Ham ..	200	
"	Tring ..	4400	32574	"	Frampton ..	2359	
1805	Barnston ..	200		"	Wendover ..	25	
"	Rawdon ..	400		"	Onslow ..	2330 2	
"	Kingsey ..	2114		"	Maddington	1657	
"	Hatley ..	382		"	Windsor ..	100	
"	Newton ..	2486		"	Simpson ..	100	
"	Onslow ..	200		"	Somerset ..	56	
"	Melbourne ..	4813		"	Nelson ..	50	7077 2
"	Chester ..	2200		1809	Farnham ..	1758	
"	Dudswell ..	2365		"	Sherrington ..	5606	
"	Wendover ..	2166		"	Upton ..	141	
"	Halifax ..	2400		"	Wentworth ..	2400	
"	Durham ..	1300		"	Templeton ..	1133	11038
"	Stanstead ..	600		1810	Stanstead ..	4712	
"	Farnham ..	800	22426	"	Compton ..	2690	
1806	Hull ..	2693		"	Barnston ..	3006	

Total.

24469

17249

7077 2

1038

Year	Township.	Acres.	Total.	Year	Township.	Acres.	Total.
1810	Shenley ..	1887	12545	1817	Clifton ..	120	5520
"	Shipton ..	25		"	Sutton ..	900	
"	Potton ..	25		"	Potton ..	1900	
"	Grenville ..	200		"	Kingsey ..	200	
1811	Ely ..	100		"	Frampton ..	240	
"	Newton Tract	182	6238	"	Melbourne ..	680	3158
"	Shefford ..	4250		"	Ireland ..	40	
"	Barnston ..	600		"	Grenville ..	40	
"	Inverness ..	100		"	Tingwick ..	1400	
"	Kingsey ..	300		1818	Melbourne ..	140	
"	Hemmingford	506	7900	"	Roxton ..	812	2217
"	Ham ..	200		"	Milton ..	40	
1812	Chatham ..	5400		"	Granby ..	40	
"	Leeds ..	1275		"	Eaton ..	40	
"	Eaton ..	25		"	Tingwick ..	941	
"	Sherrington ..	1200	4124	"	Wendover ..	40	252
1814	Shefford ..	1881		"	Ascot ..	652	
"	Durham ..	250		"	Orford ..	53	
"	Kingsey ..	200		"	Hatley ..	400	
"	Leeds ..	100		1819	Chester ..	200	
"	Hemmingford	693	8257	"	Leeds ..	240	252
"	Tingwick ..	900		"	Ely ..	840	
"	Ascot ..	35		"	Shenley ..	240	
"	Wendover ..	65		"	Wickham ..	120	
1815	Durham ..	2757		"	Wendover ..	40	
"	Eaton ..	500	10549	"	Grantham ..	66	252
"	Grantham ..	5000		"	Simpson ..	28	
1816	Grantham ..	341		"	Kingsey ..	208	
"	Ixworth ..	1300		"	Hatley ..	235	
"	Roxton ..	2316		1820	Wickham ..	82	
"	Wendover ..	104	10549	"	Ashford ..	20	252
"	Ascot ..	1188		"	Grenville ..	40	
"	Stukely ..	3100		"	Wendover ..	70	
"	Ely ..	2200		"	Stoneham ..	40	

Year	Township.	Acres.	Total.	Year	Township.	Acres.	Total.
1821	Leeds	40	450	1824	Kingsey ..	120	8023
"	Ashford ..	250		"	Kildare ..	522	
"	Halifax ..	160		"	Hull	1090	
1822	Frampton. .	420		"	Aug. of Seig. of Matano	1273	
"	Wickham ..	3859		"	Blandford. .	1518	
"	Weedon ..	2500		"	Leeds	268	
"	Ireland .. .	100		"	Ascot ..	1040	
"	Grantham. .	2220		"	Hatley	60	
"	Grenville ..	816		"	Aug. of Aston	174	
"	Wendover. .	180		"	Eardley ..	300	
"	Upton	80	14224	"	Grenville ..	40	397
"	Settrington	3189		"	Farnham ..	260	
"	Hull	240		"	Rawdon ..	40	
"	Leeds ..	40		"	Chester ..	240	
"	Dudswell ..	20		1825	Leeds	160	
"	Kildare ..	560		"	Kildare ..	40	
1823	Grantham ..	40		"	Rawdon ..	60	
"	Blandford. .	5703		"	Inverness. .	100	
"	Grenville ..	580		"	Grantham ..	37	
"	Weedon ..	100	9137	1826	Frampton. .	440	920
"	Ireland .. .	80		"	Inverness ..	40	
"	Kingsey ..	160		"	Leeds ..	40	
"	Rawdon ..	220		"	Ascot	400	
"	Eaton ..	400		1827	Brandon ..	1860	
"	Barnston ..	120		"	Hatley ..	200	
"	Lochaber ..	389		"	Farnham ..	220	
"	Dudswell ..	600		"	Stukely ..	160	
"	Upton ..	120		"	Grenville ..	200	
"	Frampton ..	160		"	Rawdon ..	40	
"	Chester ..	150	9137	"	Kildare. . .	40	
"	Inverness ..	160		"	Acton ..	100	
"	Aug. of Wend.	155		"	Ham	1800	
1824	Broughton ..	360		"	Hull	2706	
"	Ireland ..	718		"	Templeton ..	121	

Total.	Year	Township.	Acres.	Total.	Year	Township.	Acres.	Total.
8023	1827	Wickham ..	140	7607	1830	Ascot ..	1010	5380
	"	Frampton..	20		"	Hatley	1140	
	1828	Acton	369		"	Orford ..	128	
	"	Chester ..	160		"	Acton	642	
	"	Ham	304 2		"	Roxton ..	120	
	"	Kildare ..	120		"	Maddington..	57	
	"	Rawdon ..	60		1831	Frampton..	1157	
	"	Granby ..	240		"	Inverness ..	78	
	"	Hatley	80		"	Ham and Aug.	646	
	"	Milton ..	200		"	Eardley ..	20	
	"	Dudswell ..	160		"	Leeds	212	
	"	Frampton..	440		"	Shenley ..	3272	
	"	Ireland.. ..	560		"	Standon ..	430	
	"	Brandon ..	340		"	Ireland ..	220	
	"	Leeds	266		"	Wolfstown ..	360	
	"	Inverness..	90		"	Dudswell ..	180	
	"	Stoneham ..	40		"	Hull	440	
	"	Grantham..	40		"	Kildare ..	338	
	"	Grenville ..	40		"	Templeton ..	76	
	"	Halifax ..	160		"	Buckingham	720	
397	"	Upton	1460	6143 2	"	Chester ..	320	
	"	Armagh ..	4		"	Tingwick ..	180	
	"	Tingwick ..	850		"	Rawdon ..	520	
	"	Wendover..	60		"	Brandon ..	400	
	"	Kingsey ..	100		"	Halifax ..	580	
	1829	Hinchinbrook	40		"	Hatley	270	
	"	Frampton..	520		"	Acton	432	
	"	Jersey	1068		"	Broughton ..	100	
	1830	Ham.. ..	1143		"	Onslow ..	40	
	"	Inverness ..	120		"	Wickham ..	360	
920	"	Chester ..	500	1628	"	Maddington	100	
	"	Ireland.. ..	240		"	Upton	160	
	"	Leeds ..	40		"	Stoneham ..	120	
	"	Hereford ..	240		"	Warwick ..	360	

Year	Township.	Acres.	Total.	Year	Township.	Acres.	Total.
1831	Newport ..	40	13,794	1832	Ely	260	19,539
"	Granby	80		"	Halifax ..	120	
"	Kingsey ..	40		"	Ascot	20	
"	Aug. of Aston	200		"	Tewkesbury	80	
"	Roxton	320		"	Wolfstowm	100	
"	Ascot	468		"	Broughton ..	340	
"	Eaton ..	220		"	Milton	220	
"	Lochaber ..	155		"	Bulstrode ..	18	
"	Grantham ..	180		"	Upton	220	
1832	Ham	5085		"	Granby ..	80	
"	Inverness ..	974		"	Eaton ..	60	
"	Leeds	640		"	Grenville ..	1470	
"	Rawdon ..	960		"	Templeton ..	380	
"	Buckingham	160	13,794	1833	Clarendon..	530	19,539
"	Roxton ..	180		"	Ham	1760	
"	Grantham..	453		"	Ireland ..	400	
"	Hull	40		"	Stukely ..	100	
"	Ireland ..	1180		"	Eardley ..	140	
"	Kilkenny ..	1520		"	Kingsey ..	120	
"	Wendover ..	40		"	Hull	26	
"	Wickham ..	532		"	Brandon ..	320	
"	Kildare ..	400		"	Kildare & Aug.	505	
"	Acton ..	80		"	Leeds	70	
"	Chester ..	40		"	Rawdon ..	400	
"	Wentworth ..	80		"	Roxton ..	80	
"	Stanfold ..	264		"	Buckland..	644	
"	Dudswell ..	180		"	Wickham ..	20	
"	Kingsey ..	300		"	Hatley ..	180	
"	Hatley ..	140		"	Cranbourne..	578	
"	Hemmingford	112		"	Templeton..	60	
"	Lochaber andGore	410		"	Kilkenny ..	260	
"	Newport ..	200		"	Dudswell ..	240	
"	Tingwick ..	160		"	Grenville ..	490	
"	Brandon ..	2040		"	Wolfstowm..	400	

s.	Total.	Year	Township.	Acres.	Total.	Year	Township.	Acres.	Total.
		1833	Granby ..	120		1834	Roxton ..	246	
		"	Warwick ..	40		"	Stanfold ..	40	
		"	Upton ..	1644		"	Cranbourne ..	9793	
		"	Acton	40		"	Thetford ..	20	
		"	Inverness ..	160		"	Hatley	20	
		"	Ixworth ..	40		"	Ely	160	
		"	Halifax ..	120		"	Bristol ..	6859	
		"	Grantham ..	20		"	Matane ..	11217	
		"	Eaton ..	160		"	Wolfs town ..	240	42,623
		"	Barnston ..	40		1835	Stukely ..	30	
		"	Wendover ..	64		"	Buckingham	420	
		"	Buckingham	240		"	Dudswell ..	180	
		"	Lochaber ..	40	10,051	"	Chester ..	700	
	19,539	1834	Stukely ..	25		"	Inverness ..	340	
		"	Buckingham	1280		"	Kilkenny ..	560	
		"	Dudswell ..	700		"	Halifax	826	
		"	Chester ..	220		"	Rawdon ..	1700	
		"	Inverness ..	360		"	Maddington ..	60	
		"	Kilkenny ..	280		"	Grenville ..	640	
		"	Halifax	320		"	Leeds	665	
		"	Rawdon ..	760		"	Templeton ..	60	
		"	Maddington	520		"	Ham	1025	
		"	Grenville and Aug.	180		"	Brandon ..	20	
		"	Leeds	176		"	Acton	520	
		"	Templeton ..	120		"	Frampton ..	260	
		"	Ham	793		"	Tring	600	
		"	Brandon ..	20		"	Ireland ..	460	
		"	Acton	100		"	Kildare	22	
		"	Frampton ..	340		"	Clarendon ..	1656	
		"	Tring	440		"	Litchfield ..	263	
		"	Ireland	340		"	Roxton ..	280	
		"	Kildare ..	6		"	Stanfold ..	262	
		"	Clarendon ..	180		"	Cranbourn ..	280	
		"	Litchfield ..	6868		"	Thetford ..	1296	

Year	Township.	Acres.	Total.	Year	Township.	Acres.	Total.
1835	Hatley ..	354 1 24		1836	Inverness ..	100	
"	Ely	1154		"	Ireland ..	180	
"	Bristol ..	1609		"	Eaton.. ..	1250	
"	Milton ..	100		"	Hull	97	
"	Wolfstown ..	100		"	Buckingham	1687	
"	Ware ..	6710		"	Ware ..	934	
"	Eaton ..	500		"	Warwick ..	160	
"	Warwick ..	580		"	Chester ..	200	
"	Standon and Aug.	3215		"	Wendover ..	472	
"	Weedon ..	260		"	Clarendon..	253	
"	Lochaber ..	2737		"	Newport ..	100	
"	Tingwick ..	160		"	Cranbourne	180	
"	Grantham..	220		"	Kilkenny ..	259	
"	Granby ..	20		"	Wickham..	20	
"	Kingsey ..	270		"	Buckland ..	189	
"	Wendover..	640		"	Stoke ..	20	
"	Wickham ..	80		"	Hatley	1243	
"	Stoke ..	80		"	Orford ..	480	
"	Broughton ..	80		"	Maddington	233	
"	Hull.. ..	300		"	Leeds ..	160	
"	Barnston ..	10		"	Kingsey ..	380	
"	Newport ..	635		"	Eardly ..	20	
"	Aug. of Aston	160		"	Tring	200	
"	Onslow ..	66	83,165 1 24	"	Onslow ..	120	
1836	Thetford ..	3,055 2 35		"	Aston	336	
"	Ixworth ..	80		"	Bulstrode..	40	
"	Dudswell ..	540		"	Jersey	20	
"	Bristol ..	2,654 0 21		"	Broughton..	20	
"	Acton .. .	80		"	Stukely ..	200	
"	Grenville..	210 0 16		"	Compton ..	11 0 31	
"	Lochaber ..	300		"	Ely	40	
"	Litchfield ..	133		"	Granby ..	80	
"	Roxton.. ..	280		"	Ham	140	
"	Rawdon ..	360		"	Aug. of Kildare	20	

Total.	Year	Township.	Acres.	Total.	Year	Township.	Acres.	Total.
	1836	Ashford ..	20	18037 0 33	1837	Standon ..	399 0 32	10462 0 11
	"	Weedon ..	460		"	Warwick..	100	
	"	Halifax ..	20		"	Chester ..	360	
	1837	Thetford ..	2252 0 16		"	Broughton	560	
	"	Ely	200		"	Wendover ..	685	
	"	Cranbourne	40		"	Clarendon..	40	
	"	Dudswell..	80		"	Litchfield ..	122 1 24	
	"	Kilkenny ..	24		1838	Thetford ..	797 1 24	
	"	Bristol ..	321 3 20		"	Buckingham	495 1 18	
	"	Wickham ..	100		"	Chester ..	360	
	"	Ashford ..	560		"	Ashford ..	200	
	"	Grenville ..	120		"	Grenville ..	80	
	"	Weedon ..	140		"	Orford ..	40	
	"	Wolfstown ..	400		"	Tring	170	
	"	Roxton ..	120		"	Kilkenny..	140	
	"	Maddington	20		"	Onslow ..	5	
	"	Shefford ..	26		"	Rawdon ..	140	
	"	Rawdon ..	240		"	Kingsey ..	80	
	"	Wentworth ..	566		"	Inverness..	20	
	"	Inverness..	400		"	Stukely ..	20	
	"	Kingsey ..	20		"	Maria ..	13 3	
	"	Stanfold ..	280		"	Ham ..	20	
	"	Ireland ..	120		"	Armagh ..	202 2	
	"	Chatham ..	40		"	Clarendon..	40	
	"	Eaton ..	10		"	Aug.of Kildare	20	
	"	Tring	400		"	Bulstrode ..	100	
	"	Farnham ..	40		"	Brandon ..	183	
	"	Onslow ..	28 3		"	Broughton ..	740	
	"	Grantham..	20		"	Bristol ..	20 0 27½	3887 0 29½
	"	Buckingham	1082 2 39					673567 0 10½
	"	Upton	40					
	"	Bulstrode ..	514					
						Recapitulation.		

**Number of Acres reserved for the support of a Protestant Clergy in
each Township.**

Township.	No. of Acres.	Township.	No. of Acres.
Acton	7239	Dunham	8179
Armagh	686 2	Durham	8507
Arthabaska ..	2000	Eardly	1758
Ascot	7560	Eaton	9365
Ashford	1050	Ely	7154
Aston and Aug. ..	6324	Farnham	7678
Aukland	4400	Frampton ..	8556
Barford	5400	Granby	8487
Barnston	8376	Grantham ..	13871
Blandford	7221	Grenville and Aug.	5346 0 16
Bolton	12524 1 5	Halifax	6906
Brandon	5183	Ham	17517 2
Bristol	11464 0 38½	Hatley	14134 1 24
Brome	8351 1 28	Hemmingford ..	7303
Brompton ..	8000	Hereford	4640
Broughton	6600	Hinchinbrook ..	1120
Buckingham ..	9380 0 17	Hull	7732
Buckland	3251	Hunterstown ..	4400
Bulstrode ..	5269	Inverness	5242
Bury	2200	Ireland	6838
Chatham	6680	Ixworth	1620
Chester	7850	Jersey	1088
Clarendon ..	2699	Kildare and Aug.	4993
Clifton	7285 2 0	Kilkenny	3043
Clinton	2000	Kingsay	6693 2
Compton	7701 0 31	Leeds	6792
Cranbourne ..	10871	Lingwick ..	3000
Ditton	2200	Litchfield	7386 1 24
Dorset	10200	Lochaber ..	7055
Dudswell	5245	Maddington ..	2647
	185161 0 39½		199051 3 24

Township.	No. of Acres.	Township.	No. of Acres.
Magdalen Islands	8143	Stanford	5730
Matane and Aug..	12490	Stanstead	10810
Maria	13 3	Stoke	8900
Melbourne	5633	Stonham	5000
Milton	6653	Stukely	8035
Nelson	7811	Sutton	8500
Newport	5375	Templeton ..	3791
Newton	2668	Tewkesbury ..	5080
Onslow	2790 1	Thetford	11821 0 35
Orford	3101	Tingwick	8991
Potton	9118 2	Tring	6210
Rawdon	6280	Upton and Aug ..	8665
Roxton	9554	Ware	7644
Shefford	12957	Warwick	5840
Settrington ..	3189	Weedon	3460
Sherrington ..	6806	Wendover and Aug.	4806
Shenley	5399	Wentworth	3046
Shipton	11625	Westbury	2273
Simpson	8378	Wickham	9658
Somerset	7725	Windsor	10350
Stanbridge	7800	Wolfstown	3800
Standon	4034 0 32		
	147543 2 32		141810 0 35
		From Col. 1	185161 0 39½
		" " 2	199051 3 24
		" " 3	147543 2 32
		Total..	673567 0 10½

No. 7

Memorandum of Sales of Crown Lands and Clergy Reserves between the 1st September, 1828 and 30th June, 1836 in which the quantity sold to each Individual or Company exceeds 5000 acres.

Purchaser.	Township.	Crown.	Clergy.	Total.
British American Land Company.	Wickham ..	..	3208	
	Acton ..	726	4447	
"	Brome	..	2400	
"	Milton	..	2674	
"	Granby	..	2200	
"	Shefford ..	..	1800	
"	Stukely	..	3071	
"	Ely	..	5200	
"	Roxton	..	8960 $\frac{1}{2}$	
"	Stanstead ..	..	130	
"	Barnston ..	..	3256 $\frac{1}{2}$	
"	Potton	..	4400	
"	Bolton	..	1700	
"	Hatley	..	3673	
"	Newport ..	..	3800	
"	Weedon	..	8600	
"	Dudswell ..	..	6065 $\frac{1}{2}$	
"	Westbury ..	..	925	
"	Brompton ..	..	1706	
"	Orford	..	200	
"	Stoke	..	3941	
"	Ascot	..	2000	
"	Bury	..	2000	
"	Lingwick ..	..	2400	
"	Melbourne ..	..	60	
"	Barford ..	..	4800	
"	Clifton	..	8288	
"	Eaton	..	4350	
"	Auckland ..	..	3800	

between
quantity sold

Total.

Purchaser.	Township.	Crown.	Clergy.	
Hon. Matt. Bell,	Caxton	200	"	
Henry Hunt Humphreys and Webb,	"	22888	5331	
Jas. H. Kerr & T. Kimpton,	Hunterstown..	4300	4200	
Lt. Col. D. McDougall,	Acton	31	"	
"	Upton	1682	4005	
"	Westbury ..	"	1048	
Tyler Hervey Moore	Simpson ..	7735	7800	
"	Wendover ..	16500	6400	
"	Wickham ..	9466½	3184½	
"	Grantham ..	4400	"	
Charles R. Ogden,	Stukely ..	"	1600	
"	Newport	"	4400	
"	Thetford ..	3200	3200	
"	Eaton	"	400	
"	Clinton ..	"	2000	
Hon. J. Richardson,	Grantham ..	"	5600	
Thos. Allen Stayner,	Chatham ..	200	400	
"	Horton	"	1588	
"	Blanford ..	"	5460	
Randolph Isham Routh,	Ware, Cranbourne, & Standon	6599	"	
Thomas Ryan,	Kingsey ..	10500	1800	
	Total..	93227½	158472½	251700½

RECAPITULATION.

Purchasers.	Crown.	Clergy.	Total.
British American Land Company ..	726	100036½	100782½
Honorable Matthew Bell	5060	"	5060
Henry Hunt Humphries and Webb ..	22888	5331	28219
James Hastings Kerr and T. Kimpton ..	4900	4200	8500
Lieutenant Col. D. McDougall ..	1713	5053	6766
Tyler Hervey Moore	38101½	17384½	55486½
Charles Richard Ogden	3200	11600	14800
Honorable J. Richardson	"	5600	5600
Thomas Allen Stayner	200	7448	7648
Randolph Isham Routh	6599	"	6599
Thomas Ryan	10500	1800	12300
Total.	93227½	158472½	251700½

No. 8.

LOWER CANADA. } Return of the Quantity of Land sold in the
 District of Gaspé since 1827.

Year	Township.	Acres	Total No. of Acres.	Purchasers.	Remarks.
1833	Ristigouche	2100		Robert Christie	Remitted
1835	"	268		Robert Ferguson	
"	"	1761		15 Purchasers	
"	"	210		Edward Quinlin	
"	"	200		Richard Primroy	
"	"	236		John Rodgers	
"	"	200		Patrick Doyle	
"	"	200		Michl. Cheaters	
"	"	200	5375	William Callow	
1834	Kempt Road	1366		14 Purchasers	
"	"	500		Peter Ingram	
"	"	186		David Nelson	
"	"	252		Alexander Allen	
"	"	234		George Dickson	
"	"	200		James Haley	
1835	"	500	3238	3 Purchasers	
1834	Maria	1202		14 do.	
"	"	905		Wm. Cuthbert & Co.	
1835	"	568		Do.	
"	"	84	2159	1 Purchaser	
1834	NewRichmond	719		Wm. Cuthbert & Co.	
"	"	2785		28 Purchasers	
1835	"	2019		21 do.	
"	"	352	5875	Edward Burton	
1834	Carleton	174		2 Purchasers	
1835	"	327		John Grant	
"	"	487	988	5 Purchasers	
"	Hamilton	2003		20 do.	
"	"	760	2763	Edwd. Enwright	Remitted (Military.)
			20398		

Total.

100782½

5000

28219

8500

6766

55486½

14800

5600

7648

6599

12300

251700½

Year	Township.	Acres.	Total No. of Acres.	Purchasers.	Remarks.
1835	Hamilton	300	3000	Arthur Ritchie	
"	Hope	1546	1546	Edwd. Enwright	Remitted (Military.)
"	Port Daniel	300	300	Do.	Do.
			2146		
	From page 1.		20898		
			22544		

No. 9.

LOWER CANADA. } Recapitulation of the number of acres granted
gratuitously, under Patent in each Township from
1796, to 1st. August 1838 inclusive.

Township.	No. of Acres in- cluded in patents prior to 1827.	No. of acres included in Patents from 1827 to 1st. August 1838 inclusive.	Total number of acres granted gratuitously in Letters Patent.
Acton	23000	12751	35751
Armagh	2400	—	2400
Arthabaska ..	11000	—	11000
Ascot	38600	32647	71247
Ashford	1200	3900	5100
Aston and Augment.	27792	3481	31273
Aukland	22000	—	22000
Barford	26400	—	26400
Barnston	29600	200	29800
Blandford. . .	37657	—	37657
Bolton	62621 1 30	—	62621 1 30
Brandon	—	22219	22219
Bristol	—	2452	2452
Brome	41757 3	—	41757 3
Brompton	40200	—	40200
Broughton ..	23800	9300	33100
Buckingham ..	16300	15926	32226
Buckland. . .	11500	4014	15514
Bulstrode. . .	23800	3662	27462
Bury	11000	—	11000
Chatham	41866	16565	58431
Chester	25151	10683	35834
Clarendon ..	—	12901	12901
Clifton	49530	—	49530
Clinton	11000	—	11000
Compton	25200	546	25746
Cranbourne ..	—	3986	3986
Ditton	11000	—	11000
	614375 0 30 2 K	155233	769608 0 30

emarks.

d (Military.)

Do.

Township.	No. of acres included in patents prior to 1827.	No. of Acres included in Patents from 1827 to 1st. August 1888 inclusive.	Total number of acres granted gratuitously in Letters Patent.
Dorset	50736	—	50736
Dudswell	14400	9300	23700
Dunham	40895	200	41095
Durham	42253	1360	43613
Eardly	7900	1210	9110
Eaton	36500	4900	41400
Ely	26800	5300	32100
Farnham	39440	200	39640
Frampton	28300	14000	42300
Godmanchester ..	41939	26847 1 36	68786 1 36
Granby	33900	12100	46000
Grantham	76869	4368	81237
Grenville and Aug.	11138	14400	25538
Halifax	23300	7000	30300
Ham	13400	—	13400
Hatley	26100	9512	35612
Hemmingford ..	39420	1591	41011
Hereford	20800	1200	22000
Hinchinbrook ..	22019	21267 3 34	43286 3 34
Hull	16656	15889	32545
Huntingdon ..	—	—	2 26 2 26
Inverness	12300	10890	23190
Ireland	17974	15397	33371
Ixworth	7533	200	7733
Jersey	—	5457	5457
Kildare and Aug.	14330	4676	19006
Kilkenny	—	15842	15842
Kingsey	30110	3400	33510
Kennebec road ..	—	1260	1260
Leeds	24132	11687	35819
Lingwick	12000	—	12000
Litchfield	—	836	836
Lochaber	14675	10959	25634
	745819	231250 0 16	977069 0 16

number of acres
granted gratuitously in
Letters Patent.

50736
23700
41095
43613
9110
41400
32100
39640
42300
68786 1 36
46000
81237
25538
30300
13400
35612
41011
22000
43286 3 34
32545
2 26
23190
33371
7733
5457
19006
15842
38510
1260
35819
12000
836
25634
977069 0 16

Township.	No. of acres in- cluded in patents prior to 1827.	No. of Acres included in patents from 1827 to 1st Aug. 1838 inclusive	Total number of acres granted gratuitously in Letters Patent.
Maddington ..	11600	3905	15505
Magdalen Islands ..	48847	—	48847
Matane and Aug.	—	1663	1663
Melbourne ..	29700	700	30400
Milton	23800	1500	25300
Nelson	86800	100	36900
Newport }	22800	4875	27675
Newport }			
Newton	16160	—	16160
Onslow	13400	652	14052
Orford	13600	—	13600
Potton	32600	—	32600
Rawdon	6500	24200	30700
Roxton	23700	7515	31215
Shefford	33800	—	33800
Settrington ..	13023	—	13023
Sherrington ..	34593	551	35144
Shenley	11800	15956	27756
Shipton	58200	—	58200
Simpson. . . .	42300	528	42828
Somerset	38300	—	38300
Stanbridge ..	39800	1114	40914
Standon	—	4349 2	4349 2
Stanfold	24000	4243	28243
Stanstead	79262	—	79262
Stoke	43000	100	43100
Stoneham	24000	600	24600
Stukely	37475	1380	38805
Sutton	39900	—	39900
Templeton ..	16000	2690	18690
Tewkesbury. .	25200	400	25600
Thetford	22000	—	22000
Tingwick	41187	5425	46612
Tring	22100	8000	30100
	925447	90396 2	1015843 2

Township.	No. of acres included in patents prior to 1827.	No. of acres included in Patents from 1827 to 1st. Aug. 1888 inclusive.	Total number of acres granted gratuitously in Letters Patent.
Upton and Aug. ..	23905	18616	42521
Warwick	23940	5600	29540
Weedon	12800	4800	17600
Wendover and Aug.	13350	6183 2	19533 2
Wentworth	11800	1500	13300
Westbury. . .	12000	—	12000
Wickham	33291	4020	37311
Windsor	51200	—	51200
Wolfstown	11000	7900	18900
Winslow	3600	—	3600
3 Islands in River St.			
Thomas	—	17 0 32	17 0 32
Islands in Ottawa	—	11	11
	196886	48647 2 32	245533 2 32
From page 1...	614375 0 30	155293	769608 0 30
" " 2...	745819	231250 0 16	977069 0 16
" " 3...	925447	90396 2	1015843 2
	2482527 0 30	525527 1 8	3008054 1 38

No. 10.

Return of Sales of Licences to cut Timber on the Waste Lands of the Crown in Lower Canada, from the 1st January 1828, to the 31st December 1837 inclusive.

Year	Oak, feet	Upset price	Red pine, feet	Upset price	White pine, feet	Upset price	W.I. Staves	Upset price	Standard Staves	Upset price	Saw logs	Upset price	Amount	Received	REMARKS.
1828	..	..	174828 1d	..	140905 3d	3000 s.s.	725 4s. 1.8	..	..	..	54635	2d	1320 17 9	1193 17 9	253 Tons white pine, 5640 deals
1829	1467 13d	..	108427 ..	..	231112 ..	..	..	..	..	..	76571	..	1306 16 9	1249 10 10	6323 feet boards deals, 5002 feet
1830	2781 ..	..	525558 ..	..	487066 ..	..	..	..	..	..	125276	..	4265 18 3 3/4	3193 17 7	inch and 500 feet 3 inch deals boards, are included in the amount of £1306 16 9.
1831	1404S ..	..	399249 ..	..	406334 ..	..	..	..	..	..	75660	..	4103 16 1	1714 10 9	
1832	35271 ..	..	525328 ..	..	411190 ..	..	..	..	..	..	66018	4d	8840 70	2846 12 5	
1833	1190 ..	..	347596 ..	..	152950 ..	..	..	..	..	..	64400	2d	1574 7 4	14828 6	
1834	612 ..	..	929054 ..	..	78750 ..	..	..	..	..	..	3500	2d	4649 19 3	4332 14 0	
1835	..	..	580000 ..	..	190000 ..	..	..	..	..	..	45441	2d	5054 3 4	5369 1 2	As 17 12 6 of this amount was not received until the commencement of 1835.
1836	3000 ..	..	609000 ..	..	93000 ..	..	..	..	..	..	146500	2d	6253 6 8	8975 19 7	N. B.—The upset prices only are given in the above return, as the selling price in no one instance has exceeded that of the upset price.
1837	..	..	5000 ..	..	45000 ..	..	..	..	..	..	96700	4d	643 15 0	1271 1 9	
	58319		4203535		2238307	3000	725				935814	7 1/2	33013 7 5 1/2	31629 14 4	

[illegible]

No. 12.

Memorandum of Sales of Crown Lands, between the 18th March, 1828, and the 31st December, 1837, arranged in classes of sales of lots less and not exceeding 100 acres, in lots exceeding 100 and not exceeding 200 acres, and any larger quantities.

		1828	1829	1830	1831	1832	1833	1834	1835	1836	1837	Total.
37	Totals.											
	Less & not exceeding } 100 acres	40	286	266	435	164	93	161	131	64	66	1706
2	684											
	Exceeding 100 & not } exceeding 200.	40	25	19	37	31	20	37	51	14	13	287
3	209											
	.. 200 .. 300	..	..	..	2	..	2	4	7	4	3	22
	.. 300 .. 400	1	..	..	1	2	1	1	11	4	2	23
	.. 400 .. 500	..	..	..	..	..	1	4	2	1	1	9
	.. 500 .. 600	..	..	..	..	1	1	3	5	3	1	14
1	3	..	..	..	..	1	1	4	2	2	1	11
	.. 700 .. 800	1	1	..	1	..	1	..	3	1	..	8
	.. 800 .. 900	..	..	..	..	1	1	6	4	7	..	19
1	2	..	..	..	..	1	1	2	4	2	1	14
	.. 1000 .. 1100	..	..	..	1	..	1	..	1	..	..	3
	.. 1100 .. 1200	3	..	..	1	..	1	..	1	6	..	12
	.. 1200 .. 1300	1	..	..	..	..	2	..	1	..	..	4
	.. 1300 .. 1400	..	..	..	..	..	1	2	1	3	..	7
	.. 1400 .. 1500	..	..	..	..	..	..	..	1	..	..	1
1	2	..	..	..	..	..	2	..	2	..	..	4
2	2	..	..	..	..	1	1	..	1	..	..	3
	.. 1700 .. 1800	..	..	..	..	..	1	..	1	1	1	4
	.. 1800 .. 2000	..	..	..	..	..	1	..	..	..	..	1
	.. 2000 .. 2200	..	..	..	..	..	1	2	..	..	1	4
	.. 2200 .. 2300	..	..	..	..	..	..	..	1	..	..	1
	.. 2300 .. 2700	..	..	..	..	..	..	..	..	1	..	1
	.. 2700 .. 2726	..	..	..	..	..	..	..	..	1	..	1
	.. 2726 .. 2850	..	..	..	1	..	..	..	..	..	..	1
	.. 2850 .. 3250	..	..	..	..	..	1	..	1	..	..	2
	.. 3250 .. 3600	..	..	..	..	..	..	..	..	..	1	1
	.. 3600 .. 4000	..	..	..	..	..	..	..	..	2	..	2
	.. 4000 .. 4268	..	..	..	..	..	..	..	..	..	1	1

Carried over

Memorandum of Sales of Crown Lands, &c. continued.

	1828	1829	1830	1831	1832	1833	1834	1835	1836	1837	Total.
Exceeding 4268 & not exceeding 5280. }	..	..	..	..	..	..	..	..	..	1	1
.. 5280 .. 5525	..	..	..	..	..	..	..	..	1	..	1
.. 5525 .. 5670	..	..	..	..	..	..	..	..	..	1	1
.. 5670 .. 7104	..	..	..	..	..	..	..	..	1	..	1
											2170

UPPER CANADA.

1837	Total.
1	1
..	1
1	1
..	1
2170	

John Radenhurst, Esqr.

Chief Clerk of the Surveyor General's Office.

How long have you been connected with the land granting department in this colony ?

I have been in the Surveyor General's Office for twenty years. I have for nine years been Chief Clerk, during the whole of which period I have discharged all the duties of Surveyor General as well as Chief Clerk, (except for about nine months) and I still continue to perform the same duties. I have twice been appointed Acting Surveyor General for periods of six and eight months.

What have been the systems, of disposing of waste lands, the property of the crown pursued in this Province since its establishment ?

Immediately after the revolutionary war with America all persons who had served in the Colonial Corps that were raised during that war, were entitled to grants of land according to their rank, Field Officers 5,000 acres, Captains 3,000 acres, Subalterns 2,000, Sergeants 300, Privates 200, those too who had not borne arms during the war, but who at the peace came into this country, previous to the expiration of 1783, were entitled to a grant of 200 acres, or so much more at the discretion of the Governor and Council, as the number of their family or the extent of their means might justify ; these grants were made upon condition of actual settlement. The sons and daughters of the latter class (who are denominated U. E. Loyalists) born or to be born, were to receive a grant of 200 acres each on their coming of age ; these lastnamed grants were subject to no condition till the year 1818, the fact of the party to whom the grant was made being settled in the Province where the land was granted to him being considered sufficient. I have also understood that soon after the establishment of this Province, as early as 1796 or thereabouts, some Townships were to have been granted to persons who would undertake to locate upon them a specific number of settlers, in proportion to the size of the township ; after some progress had been made by some of the nominees towards performing these conditions, the plan was abandoned, and grants of land were made amounting to 1200 acres each, as a compensation for the trouble and expense incurred. In addition to the grants thus described every Executive Councillor received a grant of 5,000 acres, free from all conditions except the payment of a small fee, the children of Executive Councillors also received 1,200 acres each free from condition—this practice continued up to 1810. In 1804, new regulations of granting land were introduced, by which all grants were made subject to certain fees, with the exception of privileged grants to U. E. Loyalists, Officers, Soldiers, Executive Councillors and their children. At the discretion of the Governor and Council, grants not exceeding 1,200 were made to Clergymen, Magistrates and Barristers, free from all conditions except the payment of fees. Similar grants might be obtained by almost every body upon the same condition ; in fact the payment of fees appears to have been the main, if not the only object contemplated in the granting of land subsequent to the introduction of the table of fees in 1804. This practice of granting land at the discretion of the Governor and Council to any one

whom they might consider entitled to it, without any other condition than that of payment of fees continued till 1818, when the performance of settlement duties was attached as a condition to every grant. Subsequently to this period grants of land were made with rather more reserve than previously, and every person receiving a grant of land, obtaining only a location ticket which only entitled him to occupation of his land, was bound to clear and crop five acres for every hundred, and to clear half the road in front of his location before a patent issued for his grant. This system continued upon all free grants of land till 1826, when the performance of settlement duties was dispensed with, except in the case of Officers and Privates to whose grants these conditions still remain attached. By an order in Council, imposing these settlement duties, a scale of fees was attached to every grant in proportion to the extent of land granted, but grants of fifty acres were allowed to be made gratuitously to poor settlers. In July 1825, instructions were received from Lord Bathurst, directing the sale of land upon quit rents. Under these instructions however scarcely any sales were made, and in the following year under similar instructions, the system of selling was introduced and has been continued up to the present time.

You have detailed the methods of disposing of waste lands which have been pursued since the establishment of the Province, and the character of the persons who either under instructions from the Home Government or orders in Council, were considered as entitled to grants; has any land been granted in exception to these methods, if any thing could be regarded as exceptional to proceedings so irregular?

Large grants have been made to Colonel Talbot, amounting to 48,520 acres as a compensation for having settled two hundred and forty settlers upon 12,000 acres of land. This was in addition to 1,200 acres upon the payment of the usual fees. There was also a grant to the heirs of General Brock of 12,000 acres, and a grant of 12,000 to the Bishop of Quebec; these two last were under special instructions from Lord Bathurst. Grants amounting in the whole to 264,180 acres have been made to persons contracting for the survey of townships, as a compensation for such surveys, in lieu of money payment. Grants have also been made to Officers and men in different Corps of Militia, who served during the last war with the United States. Grants were also made to the settlers sent out under the superintendence of the late Mr. Robinson in 1825. A quantity of land has been granted also, chiefly in the Bathurst district, to old soldiers and military Emigrants, the greatest part of whom were sent out by the Home Government. A grant of 5,000 acres was made to the laird of McNab, as a compensation for bringing out settlers.

Under what authority have grants of land been made in this Province?

Up to the time of the division of the Provinces in 1791, all grants were made by the authority of the Governor and Council, at Quebec, acting under Instructions from the Home Government.

Can you state how much land was granted in this Province previous to that period?

I have no means of ascertaining, as there are no records in the office, but the plans transmitted from Quebec, wherein the locations were made; but I believe the amount is comparatively small. After the division of the Provinces all grants were made by the Governor in Council, also under Instructions from the Home Government.

Were not grants under the authority of land boards appointed by the Governor?

There were such boards appointed in 1789 for the Niagara, Midland and Western districts, to which it was directed by an order in Council, that applications should be made, and these boards were empowered to give a certificate to any applicant, entitling him to 200 acres of land upon condition of actual settlement within one year from the date of the grant.

Do you know how many townships were to have been assigned to individuals upon the conditions which you have mentioned of locating a certain number of families on them?

About ten.

How much land was granted to the individuals to whom these townships were to have been assigned by way of compensation?

Twelve hundred acres each, amounting to 12,000 acres in the whole.

Do you know why the system of granting land in townships to the nominees was abandoned?

I do not know.

Were there not a considerable number of applications for grants of townships upon these terms?

Yes there were.

How many?

About fifty.

Which would have comprised 3,000,000 acres of land?

Yes.

Might not the extent of the demand thus suddenly made, have led the Council to pause for fear of the result?

It is probable that this might have been the case, but I do not know.

Has it not been the case that one or two of the townships thus intended to have been assigned, (that of Markham for instance) has been all settled by the exertion of the nominee?

Yes this was the case with Markham, and Oxford which were well settled by the exertions of Mr. Ingorsol.

Was it not part of the Instructions framed by the English government for the regulation of the land granting department in this Province, that no grant should exceed 200 acres, a discretion being vested in the Governor of making a further subsequent grant not exceeding 1000 acres?

It was part of the original Instructions.

The reason assigned for this circumstance was, that in the old British Colonies great inconvenience had been found to result from the granting excessive quantities of lands to particular persons who have never cultivated or improved the same, and thus have prevented others who were industrious, from improving such lands, was it not?

Yes it was.

Do you know under what authority the grants of 5000 acres to Executive Councillors, in direct violation of the spirit and letter of these instructions were made?

I have understood they were made upon recommendations from the Council of the Province, and confirmed by the Home Government.

Up to what time did Executive Councillors continue entitled to grants of land?

I think the last grant was made in 1807.

Were any grants made to the children of Executive Councillors subsequent to that period?

No, I believe not.

At what age were the children of Executive Councillors entitled to a grant?

I do not know that there was any fixed age.

Was there not one case in which a grant of land was applied for in respect of a child two or three days old?

Yes there was; but this was in the case of the child of a Legislative and not of an Executive Councillor.

Did it ever happen that reserves were made for such children before they were born?

I do not know that it was before they were born, but there is this instance of a reserve being made three days after.

How much land was granted on the whole under the different systems you have described, previously to the introduction of the system of 1825?

I should imagine upwards of 13,000,000 of acres.

In what proportion have these lands been granted to the different classes you have described?

I will furnish a return in answer to this question.

You have stated that in 1818 grants of land were made subject to the performance of settlement duties; for what quantity of land did patents issue upon proof of the performance of the settlement duties?

Does this comprise the whole amount of land located between 1818 and 1825?

No, it does not; a great number of locations were made, the patents for which were not applied for until after the performance of settlement duties were dispensed with, during this period also a great many persons who had become entitled to free grants would not even apply for locations, lest they should become subject to the performance of these conditions.

So that probably nearly the whole of the patents issued during the period were to actual settlers?

Yes, to actual settlers, or to persons who placed actual settlers on the land granted.

For what quantity of land have patents been issued since 1836, when the performance of settlement duties, as a condition of patent, was abandoned? *Answer to be given hereafter.*

You have stated that the obtaining of fees appears to have been the main, if not the only object contemplated, in the granting of land since 1804. What were the fees required upon grants of land at that time?

On all town lots and grants under 100 acres	£6	9	0
On all grants of 200 "	"	8	4 0
" 300 "	"	12	6 1½
" 400 "	"	16	8 2
" 500 "	"	20	10 2½
" 600 "	"	24	12 3
" 700 "	"	28	14 3½
" 800 "	"	32	16 4
" 900 "	"	36	18 4½
" 1000 "	"	41	0 5

In what manner were these fees appropriated ?

A sum varying from £2 18s. 8d. upon grants of land from 100 to 500 acres to £5 11s., upon grants of 1000 acres was distributed among the different officers of government, connected with the land granting department.

These fees amounted to nearly one shilling an acre, so that the system in fact was equivalent to a sale of land at that price ?

It was.

But the Governor in Council had absolute discretion as to the individual to whom this sale should be made, the locality in which his lands should be situated, and the quantity of land he should be allowed to obtain ?

Yes, he had.

And of course this power might be exercised so as to make the purchase, (if it may be so termed,) of one individual very considerably more advantageous than that of another ?

It might ; the value of land depends so much upon location that this must have been the case ?

Were there there any complaints that this power was employed to give an unfair preference to individuals ?

I have heard such complaints, but since I have been in the office I am satisfied there have not been any just grounds for them.

How long did this table of fees continue in force ?

Up to the 5th January, 1819.

How much land was granted between 1804 and 1819 ?

An answer to this will be furnished hereafter.

How much of this was granted subject to the payment of fees, and how much to privileged persons ?

I have no means of ascertaining without a reference to returns of every description in the office, amounting fully to 50,000.

There has then been no separate entry of grants to different classes, nor any index by which these grants might at once be referred to ?

No, there has not.

What was the scale of fees substituted in the beginning of 1818 for that of 1804 ?

Fees on a grant of 100 acres			
	£5	14	1
" 200 "	16	17	6
" 300 "	24	11	9
" 400 "	32	5	8
" 500 "	39	19	9
" 600 "	47	18	10
" 700 "	55	7	11
" 800 "	63	2	0
" 900 "	70	16	1
" 1000 "	78	10	2
" 1100 "	86	4	3
" 1200 "	93	18	4

or equivalent to about seventeen pence halfpenny per acre.

What exceptions were there to this scale of fees ?

The same as those of 1804.

How long did those remain in force ?

Till the 1st January, 1820.

What scale of fees was then substituted in their place ?
By order of Council, 1st January, 1820, grants of 50 acres were gratuitous.

On grants of 100 acres there was £12

"	200	"	30
"	300	"	60
"	400	"	75
"	500	"	125
"	600	"	150
"	700	"	175
"	800	"	200
"	900	"	225
"	1000	"	250
"	1100	"	270
"	1200	"	300

These fees were payable by instalments, one-third on receiving a location ticket, one-third on receiving the Attorney General's fiat, and one-third on the descriptions issuing from the Surveyor General's Office.

How much of these fees was received by the Officers of the Crown ?

The same precisely as in 1804.

These fees then raised the price of land upon all tracts containing more than 500 acres to five shillings an acre ?

Yes, they did.

The Governor in Council, however, had the same absolute power of receiving or rejecting an application as formerly ?

Yes, he had.

What quantity of land was granted gratuitously in 50 acre lots ?

About 40,000 acres.

How much land was granted subject to these fees ?

72,228 acres.

Were there no other means by which an individual might acquire land besides those which you have mentioned, such for instance, as by purchase from the Indians ?

There have been many purchases made from the Indians, but it was necessary that the purchase should receive the confirmation of the Home Government before the titles issued.

Have not very large tracts of land been acquired in this manner ?

Yes.

Will you mention some ?

The township of Woolrich, containing upwards of 86,000 acres acquired by Mr. Wallace, and by him sold immediately to Colonel Pilkington, who commanded the Engineers in this Province, the township of Dumfries, containing upwards of 94,000 acres, granted to Mr. Stedman, and by him sold to the Honble. W. Dixon, Member of the Legislative Council. The township of Nichol contains 28,500, acquired by the Honble. Thomas Clark, Legislative Councillor. The township of Waterloo, containing upwards of 94,000 acres, acquired by Richard Beasley, and two others.

Was not Mr. Beasley Speaker of the House of Assembly at the time the township was acquired in this manner ?

Yes I believe he was.

Were then any other townships acquired in this manner ?

A block of 30,800 acres was acquired by Mr. William Jervis, Provincial Secretary, and a block of 19,000 acres by John Dogstedder and

Benjamin Candy, these are all that I can number at present.

Were any of these individuals agents for the Indians at or prior to the time of obtaining these grants?

No they were not.

When Indian land has been acquired by the government, what has been the practice with regard to the claims of individuals who had acquired rights under the Indians?

It has been the practice of government to confirm such rights to a reasonable extent.

Has much land been acquired in this manner by individuals?

No not a great deal, with the exception of the townships already mentioned, which contain in the whole 352,000 acres.

Do you know what consideration the Indians received for these grants?

No I do not.

All of them however were sanctioned by the Home Government?

Yes.

Upon representation from the government here?

I do not know how that would be, but I presume it was.

And Members of the Legislative Council or of the government were directly or indirectly concerned in every grant?

Yes they were.

In 1826 the system of granting land subject to the payment of fees was succeeded by a system of sale at auction; what have been the duties of the Surveyor General with regard to the land sold under the instructions by which this system was introduced?

We receive a certificate of sale from the Commissioner of Crown Lands, for all lands sold upon which the purchase money has been paid; upon receiving this a description of the patent issues.

So that the office of the Surveyor General contains no record of any sales of land, excepting those upon which the whole of the purchase money has been paid?

It does not.

And as the Crown Land is to be sold by instalments, you have no record of the sale till four years after the sale is made?

No except in those cases where the purchaser may find it convenient to pay the instalments before they are due.

So that the Surveyor General's office cannot furnish to any individual a correct statement?

It can, except in respect of such lands as are returned to the Commissioner of Crown Lands as appropriated for sale.

Is it then the case that portions of the Province are open for settlement, and not open for purchase?

No this is not the case. If any individual should apply to the Surveyor General's office, wishing to purchase a lot which is open for location, that lot is immediately returned to the Commissioner of Crown Lands for sale.

After a particular lot has been so returned for sale, it has to be advertised and put up to auction, so that the individual applying for it is exposed to delay and incurs the risk of being overbid?

That relates to the Commissioner of Crown Lands office, with whose regulations I am not acquainted.

Why is not all the land open for location returned to the Commissioner of Crown Lands for sale?

Because a number of claims for locations remain in this office unsatis-

fied, which require that the land should be retained in the office to satisfy them.

Would it not greatly simplify proceedings of the Land Department, and facilitate the acquisition of land by persons desirous to settle on it, if all lots open for disposal were returned to the Commissioner of Crown Lands for sale, and such as were actually located, marked off in the same manner as those which have been sold?

In the present case the Commissioner of Crown Lands has to refer to this office for lots required for sale, in that which you have suggested, we should be required to apply to him for lots required for location. I do not see that public business would be facilitated by the change.

It is however absolutely at the discretion of the Surveyor General to decide what lands shall be open for location, and what shall be open for sale?

Not without the sanction of the Governor.

I presume however that the Governor acts upon the recommendation of the Surveyor General?

That I cannot say.

How much land has been certified to the Surveyor General's office as being sold by the Commissioner of Crown Lands? (No answer.)

Does this include all the land which has been disposed of through the Commissioner of Crown Lands, and for which descriptions have issued?

No it does not. The grants to officers of the army and navy, under the orders from the Horse Guards and Admiralty, or rather the lands in respect of which a remission of purchase money is allowed for that, in the form in which the grant is made, are not included in this return.

What is the amount of land thus disposed of?

I will furnish a return of this.

All other methods of disposing of the waste land of the crown than those of sale or by a remission of purchase money, are under the superintendence of the Surveyor General?

They are?

What other methods of disposing of waste land are still in force?

Grants to sons and daughters of U. E. loyalists, to discharged soldiers and orders for grants of land under the authority of the Executive Council to emigrants and others yet unlocated and which remain unlocated because no time was limited in the order within which the individual in whose favour it was made was bound to locate it.

Have any of these orders been made since the establishment of the system of sale by the treasury orders 1825?

None except to the U. E. loyalists and discharged soldiers and sailors.

Then all unlocated orders in favour of emigrants must be of 13 years standing?

Yes since 1825.

Are there many of these orders still unlocated?

Yes there are.

Can you state how much land would be required to satisfy them?

I will furnish a return of the amount.

What were the grants to discharged soldiers and sailors?

Up to 1836 any soldier or sailor producing his discharge and a certificate of character was entitled to a grant of one hundred acres of land. This practice has been put an end to except in respect of soldiers who have served in the country who are still considered entitled to the grant.

Under what authority are grants to these soldiers continued ?

I believe that they were excepted from the instructions received from the Home Government by which the general practice was stopped.

How much land has been patented to all these different classes of individuals since 1825 ?

I cannot state positively from memory, but I believe about two millions, exclusive of the Canada company. And the quantity for which patents have issued, sold by the Commissioner of crown lands, is rather more than 50,000 acres.

So that the quantity disposed of by free grant since the system of selling was introduced is nearly forty fold greater than by sale ?

It is.

With regard to the grants to the sons and daughters of the U.E. loyalists were any large proportion of these settled by the grantees ?

No, by far the largest proportion was sold to speculators.

Were any extensive purchases of these rights made by particular individuals ?

I know of one case, that of the Honble. Robert Hamilton, in which the rights to these grants to the amount of about 100,000 acres, were purchased and there are several others of from 20 to 50,000.

Mr. Hamilton was a member of the Legislative Council, was he not ?

Yes he was.

Were these other large purchases connected with the Government in any way ?

There were two Chief Justices, Elmslie and Powell, the Solicitor General Gray, and several members of the Executive and Legislative Council, as well as members of the House of Assembly, who were very large purchasers.

And it is not, I suppose, too much to presume that these individuals were able to obtain more favorable localities for their grants than a private individual could have hoped for ?

I do not think there was any partiality shewn them in the selection of lots, but they necessarily had greater facilities.

What was the general price of these grants ?

From a gallon of rum up to perhaps £6.

So that while millions of acres were granted in this way, the settlement of the Province was not advanced, nor the advantage of the grantee secured in the manner that we may suppose to have been contemplated by Government ?

No they were not.

Has this acquisition of land in large tracts by individuals operated unfavorably upon the advancement of the Province ?

It certainly has retarded the settlement of the Province. Land has been locked up by these proprietors who have done nothing to improve the value of their lands or to facilitate their settlement, I am only aware of one exception to this, the Honble. John Elmslie, who has expended large sums in improving his purchases. The remainder have allowed their purchases to remain waste until the rise of value produced by settlement in their neighbourhood has tempted them to sell, or have sold them to other speculators who have allowed them thus to remain.

Have the disbanded soldiers and sailors generally settled upon their lands ?

Generally they have for a while.

Have they then subsequently abandoned their settlements ?

I have no means of knowing it officially, but I have no reason to doubt that the majority have remained upon their land just long enough to enable them to get their deed, which they might obtain upon proof of a residence for three years, and then sold it for a very trifling consideration.

What number of acres are under location that is as I understand granted, but not patented ?

Lands that are not under patent are not subject to the tax upon wild land ; are they ?

No they are not.

Supposing therefore an individual who has drawn land, or obtained a location, felt confident of obtaining his patent from Government whenever he applied for it ; it would be for his interest not to apply for the patent until he had an opportunity of selling the land, or was desirous of settling on it ?

Yes, he would escape the wild land tax.

And in practice, I suppose, that every individual who has thus drawn land, is quite sure of obtaining his patent when he applies for it ?

Yes I have never known Government refuse a patent to a locatee.

What is the amount of the wild land tax to which these lands if now under patent would be subject, and the number of acres thus situated ?

It is rather more than four shillings per annum for 200 acres.

To this extent, therefore, the Province has been (so to speak) defrauded of the produce of the wild land tax ?

Yes, the tax has been evaded in this manner.

Could any person, not being a natural born subject, or naturalized, obtain a grant of land in this Province ?

Such persons have occasionally obtained grants of land upon taking the oath of allegiance, but since the passing of the Alien Bill, this is, I believe, impossible.

How much land would be required to satisfy persons who are, or may be, entitled to locations ?

About 500,000 acres.

What quantity of land is included in that portion of Upper Canada which has been actually surveyed ?

Nearly 17,500,000 acres.

How much of this has been granted or appropriated ?

13,300,000 acres have been granted and disposed of to individuals, and the Canada Company and public purposes ; 450,000 have been set apart for roads ; 318,000 have been appropriated to the Indians ; 2,400,000 have been appropriated as Clergy Reserves, leaving about 1,500,000 open for disposal.

Of which one-third will be absorbed to satisfy claims for location which may yet be urged ?

Yes.

And the remainder I presume is generally of an inferior character, and in an unfavorable position ?

It is generally.

Have you any idea what proportion of the 13,300,000 acres granted or disposed of is now actually occupied ?

I have no means of ascertaining accurately ; but from the knowledge I have acquired by travelling through the country, I am inclined to believe a very small proportion.

The remainder of course is wild land—what effect has this mass of

wilderness upon the progress and wealth of the country, as affecting the means of communication and transport ?

Injurious in the highest degree ; nothing has more tended to retard the settlement and prosperity of the country than this circumstance.

For what public purposes have lands been received, other than the benefit of the Clergy ?

There have been reserves for schools amounting originally to 500,000 acres. A part of this, amounting to 266,000 acres, has been appropriated to the support of the University of King's College.

Under whose management are the lands appropriated to King's College ?

Of the Chancellor of the University and a Committee. The whole of the land has been patented to them. The University did not obtain the school lands, but an equal amount of the most valuable Crown Reserves, in exchange for the less valuable school lands. These school lands used to be under the management of a board of education, but I do not know that there is any such body now.

How much of the school reserves have been patented ?

A very trifling quantity, but I will furnish a precise return.

Of what value generally are those which remain ungranted ?

They will average, I should suppose, about 10s. per acre.

And as upwards of two hundred thousand still remain to be disposed of, this would produce about £100,000 ?

It would.

Lands have been appropriated as Crown Reserves—is this practice still continued ?

Crown Reserves are still marked upon the diagram, and are not open for location unless specially ordered by the Governor ; but they are open to sale in the same manner as other Crown Lands.

As regards persons entitled to grants, however, they are still actual Crown Reserves ?

They are.

What has been the practice pursued with regard to the laying out of towns, and the general disposal of town lots ?

Whenever the Surveyor General on the report of a Deputy Surveyor, imagines that a locality is advantageously situated for the building of a town, the site is submitted to the Lieutenant Governor as fit for a town, and in general a reservation is made for a site. The block thus reserved is divided into acre, half-acre, and quarter-acre lots, according to its apparent value, or the probability of a great demand of the lots for building purposes, and these lots have been heretofore granted subject to the payment of fees, and on condition of erecting a building on the lot within a specified period. They were granted indiscriminately at the discretion of the Executive Council, to any person who was willing to fulfil the conditions imposed.

So it might happen that the whole of a town might be granted away within a short time of its reservation ?

Yes.

Though it must be known that only a small part of those who received those grants could actually settle in the town ?

I do not know how that was ; but if the conditions of the grant were complied with, that was all the government required.

Has it not happened from this practice of granting in the first instance, that there are towns, the whole of which is owned by individuals, but a small proportion of which is built upon ?

There must have been buildings originally, but they may have been pulled down or allowed to fall into decay.

What practice has been pursued in laying out the Clergy Reserves ?

Before the townships were surveyed, the diagram was furnished to the Surveyor, with the Clergy Reserves in every seventh lot marked on it, and on his return of survey these lots were appropriated as Clergy Reserves.

By the Constitutional Act it was directed " that whenever any grants of land shall be made by the Crown, there shall at the same time be made in respect of the same, a proportionable allotment for the support of the Clergy ;" under what authority are the appropriations you have described, made before any grant has been made to private individuals ?

Under authority of an order in Council, 27th June, 1795,

By the patent which issues upon every grant of land, has there not been a specification of the land set apart for the support of a protestant clergy, in respect of such grants ?

Yes there has.

What proportion of land has been specified ?

A quantity equal to one-seventh of the land granted, or fourteen two-sevenths acres for every 100 acres.

But as one-seventh of the whole land comprised in a township, is equal to one-sixth of the land remaining to be granted after this reserve has been made, it would follow therefore, that in every township there must be a portion of the land going under the name of clergy reserves, which is not specified as such in any patent ?

It would have been the case if reserves had been made regularly from the commencement.

Have not such reserves been made regularly ?

Not in the early settlement of the Province.

By a statement which you have furnished to this Commission, it appears that among the surveyed lands of the Province, there are about 700,000 acres described as Indian Lands, and which therefore have not yet been granted by the crown ; has any reserve been made for the clergy in respect of these lands ?

Yes there has been the usual quantity of land set apart as clergy reserves in respect of these lands.

Under what authority have these reserves been made ?

The reserve was made in anticipation of the land being granted.

So that upwards of 100,000 acres have been withheld from settlement, because the Surveyor General choose to imagine that at some time or other the crown would grant land which did not belong to it ?

This reserve was not made by the Surveyor General at his discretion ; but on the authority of a special order of the Governor in Council, founded on a representation of the then Attorney General, and the greater part of it has been specified since the Indian lands, in respect of which the reserve was made, have been patented to individuals.

By the same statement furnished to this commission, it appears that the surveyed land amounts to nearly 17,000,000 acres, the land appropriated as clergy reserves, to about 2,400,000 acres, being about one-seventh of the whole surveyed land ; supposing the plan which you have described of reserving land equal to one-seventh of the grant pursued in respect of the whole surveyed land, there would be a surplus, would there not, of upwards of 300,000 acres not specified in any patent ?

If all the lands were under patent and specification taken, there would be a large surplus not required for any specification, owing to the misconception of reserving one-seventh instead of one-eighth.

And there must be a proportionate surplus in every township in which a reserve of one-seventh has been made in laying it out, according to what you term the checquered diagram system?

Yes there would be.

How many townships have been so laid out?

About two hundred, comprising about 18,000,000 acres.

Nearly the whole of the land which has been disposed of by the Crown?

Nearly the whole of the land fit for cultivation.

So that the surplus contemplated in my former question has actually arisen in almost all the townships in the Province?

In about two-thirds.

In what manner have the specifications for clergy reserves been made?

In the first instance only, six-sevenths of every lot of 200 acres, or 171 three-sevenths acres were specified, leaving 28 four-sevenths of each lot not contained in any specification; latterly the seven-sevenths of each lot has been taken out, and one-seventh of the lots set apart for the clergy reserves, in each township, has been omitted from specification.

Will you state in what townships these separate systems have been pursued?

No such answer as you require me to make can be made, because in many of the townships in which the former system was originally pursued, a portion of the land remained ungranted, when the latter system was introduced; thus both systems have been introduced into the same township.

So that it would be absolutely impossible to separate the specified and unspecified portions of what is called the Clergy Reserve throughout the Province?

It is obviously impossible in those cases in which parts only of particular lots were specified according to the first system described; one-seventh of those lots which have not been taken in specification can be ascertained but not in any particular part of the lot.

How many acres of clergy reserve have been described for patent?

Nearly 74,000 acres.

How much of this has been specified as clergy reserves in patents or grants of lands?

I cannot say, as some lots are taken in whole and others are as yet in part.

Are you aware whether any lots have been sold, no part of which has been specified in any patent?

I do not know whether or not there has been such sale, the whole of the clergy reserves having been returned to the Commissioner of Crown Lands for sale, and this office having only a record of those upon which the whole purchase money has been paid.

Such however may have been the case?

Yes.

And many lots have been returned from this office to the Commissioner of Crown Lands no part of which has been specified?

There have.

Was there not a special agreement made with the Laird of McNab, for the settlement of the township of McNab?

There was, by an order in Council, dated Nov. 5th 1823.

What was the nature of that agreement?

It was that a township should be set apart on the Ottawa, for the purpose of being placed under his superintendence; that it should remain under his sole direction for eighteen months; that patents might issue to any of the settlers of the township on his certificate, stating that settlement duties were performed, and his claims on the settler adjusted; or that patents might issue to him in trust for any number of settlers—that a grant of 1,200 acres was to be assigned to him to be increased to 5000 acres, on his completing the settlement of the township.

Has the settlement of the township been completed?

No it has not.

The full grant of 5000 acres has however been made to the Laird of McNab, has it not?

The order of the Governor in Council for the grant is lodged in this office, but no description for patents has issued.

Why is that?

The selection of the lots that he made, were those on which he had placed settlers, who I understood had made considerable improvements, and I did not feel myself at liberty to issue descriptions, and I accordingly referred it back to the Executive Council. His second petition that a description for those particular lots may issue for patent is now before the Executive Council.

The effect of granting his petition, would be to place those settlers completely in his power?

Yes it would.

By an order in Council this township was to be placed at his disposition for eighteen months: has there been any order in Council extending this period?

I am not aware that there has been.

The settlement however of the township is still under his sole direction, is it not?

Yes it is.

Has not the settlement of a very extensive tract of country been placed under the sole superintendence of Colonel Talbot?

Yes it was.

On what terms.

At first Colonel Talbot was entitled to receive 150 acres for every individual whom he should have settled on 50 acres of land; under this system he acquired the number of acres I have mentioned. Under this arrangement he settled 240 families; since 1821 this arrangement has been discontinued, but the exclusive superintendence of this large tract is still in his hands, but he performs the duties of superintendent without receiving any grant of land as remuneration.

He may however, I presume, make any arrangement he pleases with the persons he settles on the land, as to the surrender of a portion of the grant made to them?

He may, but I do not think he does, I have not heard any statement of the sort.

Has he then no remuneration for his labour?

Not that I am aware of.

Not a pension of £300 a year ?
He has a pension, but I do not know for what services it was granted him.

How much of this land is settled ?

I understand from him that he has settled nearly the whole of it.

What quantity of land was sold by Government to the Canada Land Company, and what were the terms of sale ?

The company at first contracted for the purchase of 1,384,413 acres of Crown reserves, and 829,430 of Clergy reserves, at 3s. 6d. per acre. The government were however unable to perform their contract, so far as related to the Clergy reserves, and as a substitute, the Company were allowed to select 11,000,000 acres in a block on the shores of Lake Huron, at the same price, for the whole, as was to be paid for 800,000 acres, Clergy reserves, making the whole purchase 2,484,413 acres. The purchase money was to be paid in the following annual instalments, viz :

In the year ending in July, 1827,	£20,000
1828,	15,000
1829,	15,000
1830,	15,000
1831,	16,000
1832,	17,000
1833,	18,000
1834,	19,000
1835,	20,000

and £20,000 a year for the next seven years. The Company was to be at liberty to expend 1s. 3d. part of the purchase money of the block of 11,000,000 acres in public works and improvements, within such block of land, such as canals, bridges, roads, chaudres, wharves and school houses, &c.

Has there been any obligation on the Company to take out patents for their lands at any particular time ?

No not until the expiration of the time allowed for the payment of the whole purchase money.

How much land has been disposed of to the Canada Company ?

What is the extent of the establishment of the Surveyor General's office ?

A Surveyor General—salary £600. This place is at present occupied by Mr. Sullivan who receives no salary.

Chief Clerk,	£300
Draftsman,	300
Second Clerk,	200
Three Clerks,	175 each.

What is the state of the surveys throughout the Province generally ?

Generally speaking, they are very inaccurate. This inaccuracy was produced in the first instance from the deficiency of competent persons, and the carelessness with which the surveys were conducted. Latterly the practice introduced by Sir Peregrine Maitland, in spite of the results being pointed out by the then Surveyor General, of letting out the surveys to any person who was willing to contract for them at a certain quantity of land, produced extreme carelessness and inaccuracy.

The Surveyor just hurried through the township, and of course made surveys which on the ground are found to be very inaccurate.

To such an extent probably that in some townships scarcely a single lot is of the dimensions or positions actually assigned to it on the diagram?

There are instances of this sort.

The consequences of this have, I suppose been confusion and uncertainty in the possession of almost every man, and no small amount of litigation?

Such has been the case. Last Session an Act was passed, authorising the Governor to appoint Commissioners, with power to settle disputed boundaries, which will I hope remedy the inconveniences arising from this source.

Are there not considerable arrears of business in the office of the Surveyor General?

There are a number of entries in the books, such as field notes, commissioners's reports, &c. &c. which require to be made; but the current business of the office is not in arrear. For the last nine years however, the office has not had its full establishment. I have been required to perform the duties of Surveyor General as well as of Chief Clerk, instead of being left to the latter duties only, and there has been no effectual superintendence in the office, owing to the same cause, except during the fifteen months, Mr. Chewett was acting Surveyor General. The office is in the same condition at the present time as the present Surveyor General has other duties to perform which occupy the whole of his time.

Richard Hill Thornhill, Esq. Chief Clerk in the Crown Lands Office.

What are the duties of the Crown Lands Office ?

The Commissioner of Crown Lands has the superintendence of the sale and management of the Crown Lands of the Province.

Are there any other duties performed by the Commissioner of Crown Lands ?

Yes the duties upon timber throughout the Province are collected and accounted for by the commissioner of crown lands as Surveyor General of Woods and Forests, and the sale and management of clergy reserves, are under the control of the commissioner of crown lands as agent for the sale of clergy reserves.

How long has this office existed ?

Mr. Robinson, the former commissioner, was I believe appointed to this office in 1827, but did not enter upon the duty of his office till April 1828.

Were the three offices created at the same time ?

Yes nearly so.

And vested in the same individual ?

Yes.

Were there separate salaries for the three offices ?

Yes.

What was their amount ?

The Commissioner of Crown Lands £500 sterling, Surveyor General of Woods and Forests £500 sterling, and by an order in Council, as agent for the clergy reserves, £500 currency. The present commissioner of crown lands £500 sterling, as such commissioner, and £500 currency as agent for the sale of clergy reserves, and he performs the duties of Surveyor General of Woods and Forests without salary.

By whom were the duties now discharged by the holder of these three offices previously performed ?

The duties can hardly be said to have had any existence previously. All crown land was previously disposed of by grant, and the whole of this business was managed then, as now, by the Surveyor General. I believe the management of the clergy reserves was previously under the control of a corporation—but these reserves could not be sold.

How long have you held your present office ?

I have been Chief Clerk since 1836, but have been in the office since November, 1828, and performed the duties of chief clerk, for some years previously to receiving that appointment.

Of what does the property of the crown under the control of the commissioner of crown lands consist ?

Such portion of the vacant and ungranted lands of the crown as are from time to time returned by the Surveyor General, as open for sale, together with such of the crown reserves surveyed since 1824, or not made over to the Canada Company, as are similarly returned.

How much has been returned in this manner to the commissioner of crown lands ?

About 300,000 acres.

Of this how much has been sold ?

100,317 acres.

Were there not regulations in force for the sale of crown lands, previous to 1828, when the office for commissioner of crown lands was established ?

I understand there were.

Do you know if any sales of land take place under these regulations ?
I do not.

By what regulations has the commissioner of crown lands been regulated in the discharge of his duties ?

By instructions issued to Mr. Robinson, the commissioner of crown lands by the Lords of the Treasury, dated 18th July, 1827, a copy of which I beg to hand in.

But have there not been regulations subsequently issued by the Colonial Office for the sale and management of the Crown lands of the Province ?
Yes, in 1831, and subsequently.

Have these regulations been acted on ?

To a certain extent, I believe, they have.

To what extent ?

To the extent of abstaining from the sale of Crown Lands, otherwise than by public auction, except under the sanction of a special order of Council, of selling to emigrants according to the regulations of 1830, which allowed three years for the payment of the first instalment under particular circumstances.

I perceive by the instructions to Mr. Robinson which you have put in that the Commissioner of Crown Lands is directed to ascertain " the nature and particulars of all the Crown property within the Province, under the following heads :—Waste Lands in those districts of the colony which have not heretofore been surveyed or laid out ; Waste Lands in those districts of the colony which have been surveyed and laid out, but no part of which has been granted ; ungranted lands and Crown Reserves in those districts where grants have been made ; lands which have been granted in perpetuity upon payment of quit or other rents ; lands and reserves which have been granted upon leases for series of years, upon reserved rents or otherwise ;"—have these instructions been fully complied with ?

They have not been fully complied with.

The Commissioner is also required by the same instructions " to submit to the Governor or Officer administering the Government, a report of the total quantity of each description of Crown property, within each district of the reserve, so far as he may then have ascertained the same, together with his opinion of the quality of each description of property, which it may be expedient to offer for sale in the ensuing year ;"—has this part of the instructions been complied with ?

No, it has not.

What part of the instructions has then been acted on ?

Except in the particulars referred to in the previous questions, they have been acted upon, except in cases where a departure from them has been sanctioned by the Governor, whose order under the same instructions the Commissioner is bound to obey.

The two particulars then in which these instructions have not been acted upon, appear to be, that the Commissioner of Crown lands has never obtained a return of all the ungranted lands within the colony, and consequently has never reported the same to the Governor ?

I wish to say in answer to this question that partial returns have been obtained from the Surveyor General's Office, of such townships and lands as appear likely to be sought after.

But the quantity of surveyed and ungranted lands is 1,500,000 acres, while the whole amount returned to the Commissioner of Crown Lands as open for sale, amounts only to about 300,000 acres?

Yes, but returns were called for by the present Commissioner of Crown Lands, immediately upon his appointment in 1836, of the quantity of land located upon which the conditions of settlement have not been performed, and which would, therefore, have reverted to the crown, but this return has not yet been furnished; these lands would form most, probably the most valuable part of the property of the crown.

But as the present Commissioner of Crown Lands is also Surveyor General, he is calling upon himself for this return, is he not?

The present Commissioner of Crown Lands only received the appointment of Surveyor General on the 20th June, 1838.

By the instructions to Mr. Robinson, it appears that the sale and management of Crown Lands in the Province was placed under his control as Commissioner of Crown Lands; it would seem, however, from your answers, that he had never been Commissioner of Crown Lands, nor assumed the management of more than the 300,000 acres returned to him by the Surveyor General?

No, he did not assume the control of locations of lands remaining unreturned by the Surveyor General, except that as Surveyor General of the Woods and Forests he sold the right to cut timber on them.

But this had nothing to do with the disposal of the land?

No, it had not.

So that in fact the quantity and situation of the land to be put up to sale was determined not by the Commissioner of Crown Lands, and by the Governor, as directed by these instructions, but by the Surveyor General?

The Surveyor General never made any returns, unless specifically called on so to do, and therefore the situation and quantity of land to be put up to sale was determined by the Commissioner of Crown Lands, by whom these returns were called for.

Why then did not the Commissioner of Crown Lands call for a return of the whole?

I cannot say.

But the management of all lands, not included in these returns, remained in the hands of the Surveyor General, who might at any time appropriate the most valuable portions to individuals entitled to free grants of land?

The control of land not having been assumed by the Commissioner of Crown Lands, the Surveyor General was at liberty to locate them to such persons having orders for free grants of land as he thought fit.

What have been the proceedings of the Commissioner of Crown Lands in respect of the land so returned to him?

Agents have been appointed throughout the Province, to carry the public sales into effect; when a sale of waste land took place, notice thereof was given in the Official Gazette, and other papers published in the Province. The purchaser at any such sale was required to pay the first instalment of one-quarter into the office, before he received authority from the office, to take possession of his land. The remainder of the purchase money was required to be paid by three annual instalments, without interest, the patent for such land not issuing until the full amount of purchase money was paid to the Commissioner of Crown Lands.

At what time were the first instalments required to be paid ?

It was required to be paid down.

That is at the time of the auction ?

It was required so to be paid, but was not so paid in all cases, the sale was not considered to be completed until the payment of such instalment.

What proportion do you suppose was paid at the time of auction ?

A very small proportion indeed ; in fact the auction sales were altogether nominal in respect to a considerable number of lots. The persons to whom these lots were knocked down never completed their purchase by the payment of the instalment, such bidders however were not considered as having any right to the lands.

How long a time was allowed to elapse in these cases before the land was considered forfeited and put up to sale again ?

No definite time was fixed by the late commissioner who received the money at his discretion at any distance of time in cases where he considered the parties entitled to such indulgence ; in some other cases it was put up at the next sale, but there was no regularity in this and it did not often happen. Autumn sales generally closed in the month of November, and those of the spring began about May in the ensuing year, and indulgence was always granted by the commissioner for this interval.

But in the mean time the person who had been prevented from purchasing, by being outbid by one of these nominal purchases at a former sale, might have left the country, or have purchased land of private individuals, or determined not to purchase land at all ?

It is possible such might be the case:

And in all cases the land was withheld from settlement during the interval between one sale and another ?

Yes it was.

In the year 1833, interest was required upon instalments after the first, under what authority was this required ?

By authority from the Home Government.

Was this the only change introduced into the system of selling by these instructions ?

It was the only alteration made in this office.

Then the period at which instalments were payable was not altered in any respect ?

Not in any.

Have any steps been taken to prevent the occurrence of inconveniences such as you describe arising from the practice of not requiring the instalment to be paid down ?

Yes upon the appointment of the present commissioner of crown lands, Mr. Sullivan, persons bidding for lands at public auction, were required to pay the instalments into this office within fourteen days from the day of sale, and agents were required to render to this office a return of the land sold at each sale, as soon as the sale was closed. At the expiration of the period of fourteen days, returns were forwarded to the agent in the different districts, of the persons who had complied with this condition, and the agents are directed to offer all lots not included in this return, for sale at the next monthly sale. It having also appeared to the present commissioner, that in certain cases persons not intending to become purchasers, were in the habit of bidding up lots in opposition to individuals having the means and intention of paying for the land, and bringing set-

tlers thereon ; the agent was instructed to require payment of the first instalment of the purchase money on the spot, in cases which appeared to him to require such proceedings, and in default thereof the lot was to be put up again, and the bid of that person not received, which precludes the possibility of a bonâ fide purchaser being disappointed in his attempt to obtain land for settlement. Mr. Sullivan also caused circulars to be prepared, giving notice to persons in arrear, that they would be called upon to pay up the amounts due from them, but he did not issue it, as nothing of the sort had been done by his predecessors, and he was aware that the people of the country were in expectation of some favorable change in the land granting department.

But under the former system, lands in respect of which the first instalment had not been paid before the next sale, were in some cases put up again at that sale. Does the present change therefore effect an improvement, in many cases except those in which the agent may imagine that the bidder has no intention of completing the purchase ?

Yes it does, sales were not always made at monthly intervals, and persons who bid off lands were in the habit of considering that they had a claim to such lands ; the agents too in most cases did not make immediate returns of the sales, and therefore the further dealing with the parties bidding off was placed in the power of the commissioner, but was kept to a great extent in the hands of the agent, nor was any day fixed within the month, after which the instalment could not be received, all these sources of irregularity are now put an end to.

Why do you return to the agent the number of those who have complied with the conditions of sale by the payment of the purchase money ? Because it is so much easier, their number being so much smaller.

What proportion of the purchase of Crown lots are now in arrear ?

A very large proportion.

What has been the proportion of Crown Lands sold in each year, since the establishment of this office ?

I beg leave to refer to a return furnished from this office on the subject.

Has any part of this land been sold by private contract ?

Yes, a small portion of it has been sold under special instructions from the Governor, in cases where it was imagined that the individuals had a right of preemption, owing to their having improved a part of the lot, or in cases of broken lots lying between their farms and water, or a public road, or in other cases which appeared to the Governor to require a deviation from the usual course, and also under the regulations of 1831, to indigent settlers recently arrived in the colony.

How much land has been disposed of in this way ?

I am unable to answer this question, as there has been no distinction made in the books of the office between sales by private contract, and sales by public auction.

What proportion of the 100,000 acres sold by the Commissioner of Crown Lands should you suppose has been disposed of in this manner ? Possibly about a tenth.

The remainder has been sold by public auction ?

Yes.

Supposing an individual to arrive from England at the present time, desirous of purchasing land, what would be his opportunities of selection. Would he be confined to the land returned to you by the Surveyor Gene.

ral, or would he have choice among all the ungranted lands of the Crown ?

He would be confined to the lots named in the hand-bills issued by this department, and which contain only such lands as are returned by the Surveyor General, unless he happened to learn from friends already settled in the country, that lots not included in these returns were vacant, in which case, on application to this office, reference is made to the Surveyor General's Office, when if such lot prove to be vacant, a requisition would be made that the same might be returned to this department, when the lot would be put up at the ensuing sale.

This proceeding must have involved considerable delay and trouble to the emigrant ?

It unquestionably did, but cannot now be remedied until the returns called for by the present Commissioner of Crown Lands are furnished.

But it would never have existed if the instructions of 1827 requiring the Commissioner of Crown Lands to ascertain the nature and particulars of all the crown property within the Province had been acted upon ?

Of course it would not ; this delay will however be avoided for the future, by the appointment of the Commissioner of Crown Lands to the office of Surveyor General.

But even now after an emigrant has been at the trouble and expence of ascertaining the advantages of any particular lot, he is liable to be over bid for it by a speculator who may be tempted to bid for the lot, because he sees that a bona fide settler is desirous of purchasing it ?

This is the case, and it is one of the injurious effects of the system of selling by auction, which, in my opinion, has worked very disadvantageously to the Province, and is not at all calculated to attract emigrants.

Has the system of selling by auction, any effect in increasing the average produce of Crown Lands ?

I do not think more is obtained by auction, than would be obtained if the lands were sold at a fair fixed price, and in fact the system of auction has a tendency to deter purchasers, and to diminish the actual revenue derived from this source. I do not know of a single advantage obtained from the system, which might not have been obtained equally by sale at a known fixed price. The system of auction was probably introduced to prevent favoritism, but this might equally have been secured by other means.

And since the establishment of this system, considerably more than a ten-fold quantity of land has been disposed of by free grant, to which no security against favoritism was attached ?

So I understand.

Are there any difficulties or delays in the way of obtaining patents for lands for which all the instalments have been paid ?

I do not know that there are. A certificate is issued from the office of the Commissioner of Crown Lands, immediately upon the payment of the last instalment, directed to the Surveyor General, upon which the description issues to the Secretary of the Province, where the patent is granted, it is then sent to the office of the Attorney General for the signature of that officer, and is then ready for the signature of the Lieutenant Governor, when the patent is ready for delivery.

How much time is occupied in all these processes ?

It is quite uncertain ; I have known instances where the party remained in Toronto, and went himself from office to office, it has been obtained in one or two days, but in other cases it has remained for a week

or a month, or perhaps more, according to the business of the different offices at the time.

With ordinary diligence might it be obtained in a week?

Yes, generally.

In the return that has been given in from the Commissioner of Crown Lands Office, the receipts on account of the sale of land, are stated at £33,328, is this the amount that has been actually paid into the hands of the Receiver General?

No it is the gross amount received.

To what deduction is this amount subject?

To the salaries of agents and clerks, and necessary contingent disbursements of the department.

Under what authority are these payments made out of these receipts?

Under that of the instructions of the Lords of the Treasury, put in, in answer to a former question.

Then the whole of this amount, after deducting these items, has been so paid to the Receiver General?

It has been in the case of Mr. Sullivan.

The whole of these sales of crown Lands since the appointment of the commission has been made subject to payment by instalment, has it not?

Yes.

What has been the effect of this practice as regards the character and means of those by whom purchases have been made?

No doubt it had a bad effect, inducing persons to purchase land with far less capital and means of improving it, than would have been the case, had the whole amount of the purchase money been required to be paid down, and it has induced persons to purchase whose means were so limited, as to leave them without the means of providing for their families, who have thus been exposed to the greatest hardships for years. The small amount of the instalment, especially in the case of clergy reserves, induces persons of this class to purchase more land than they can conveniently pay for, and they are further encouraged by the knowledge of the fact, that government have never taken any steps to distress persons who have paid one instalment, whether of a fourth, as in the case of the crown, or a tenth as in the case of the clergy reserves, on account of the remainder. I think it would be a considerable improvement to the system, if the price of crown lands was diminished, and the whole of the purchase money was required to be paid down.

Have there not been directions issued from the Colonial Office, directing that the whole of the purchase money should be paid at once?

Yes, such a dispatch was received during the administration of Sir F. B. Head, but it was received during the great commercial pressure in this country, and from that cause as well as others to which I have referred, such as the expectation of the public, that land would be granted upon more advantageous terms than formerly, the commissioner of crown lands was instructed by the Governor not to act upon the regulations until further orders.

The commissioner has the power of fixing the price at which crown lands shall be put up?

He has virtually, but he cannot determine the price at which land shall be sold, as he is compelled to put it up for sale by auction.

Was there not an Act of the Provincial Legislature introducing new regulations for the future disposal of waste lands, the property of the crown?

Yes such an Act was passed in the session of 1837, which was reserved for the royal assent, and to which such assent has been since given, but the same has not gone fully into operation in consequence of instructions received from Lord Durham; it was the less necessary, since the emigration this year has been very trifling, and very few applications indeed have been made for land.

In what way will this Act affect the duties of the commissioner of crown lands?

The principal object of that Act appears to have been to benefit the speculators in U. E. rights, and to curtail the necessary discretionary power which should be vested in the head of a department; the first object was accomplished by authorising the issue of a patent in the name of an assignee, instead of the U. E. Loyalists, as formerly, and also admitting the claim of the assignee to a remission of £40 upon each right in the purchase of public lands, whether crown land or clergy, ordnance, or Indian reserves; it directs the appointment of agents in each district in the Province, however small may be the quantity of public lands in the district, to whom all payments are to be made, and for whose due application of those payments the commissioner of crown lands is made responsible: the securities which they are required to furnish being to him, and not the government.

In what way are the agents to be remunerated?

By a percentage on the sales they may effect.

This would amount to a very small sum, would it not?

Very small.

Then it may be presumed that few persons would be found to take the situation, unless they had claims which they are desirous of locating for themselves or their friends?

I should think this might be a reason in connection with the favor and patronage which an office might give, which would be very great indeed, their powers as defined by the Act. would leave the commissioner of crown lands at Toronto a complete cypher, placing him in the condition of an accountant, bound to audit the accounts of these commissioners to the Provincial Legislature.

What are the duties of the commissioner of Crown lands as agent for the clergy reserves?

To ascertain the value of such lots as are under lease or occupation of individuals and to sell the same upon application of the persons settled there, fixing the upset price to vacant clergy reserves, and selling the same by auction in the district where the lots are situated, receiving the amount of the purchase money, and accounting therefor to the Governor in Council. The principal of the purchase money as it is received, is paid into the military chest, under instructions from Lord Goderich, and the interest is paid to the Receiver General.

Of what do these clergy reserves consist?

As I understand it of one-seventh of the lands in the different surveyed townships in the Province; at least I should judge this from the returns from the Surveyor General's office, which consist of one-seventh of the lands in the surveyed townships.

The reserves are offered for sale under the Act of the Imperial Legislature, are they not?

Yes, they are.

What proportion of them is the Agent for Clergy Reserves authorised to sell ?

One-fourth part, or not more than 10,000 acres per annum.

How much has been returned to the agent for Clergy Reserves, as the whole amount of such reserves ?

Upwards of 2,350,000 acres.

How much of these has been disposed of in the whole ?

466,742 acres up to June last, and 6,343 acres since that time, making 473,105 in the whole.

So that there is at the present time 120,000 acres yet to be disposed of before the amount which the act authorises the agent to sell will be exhausted ?

Yes, but there is about 157,000 acres of the total amount given above, which has not yet been surveyed.

In what manner are the reserves sold—by auction or by private contract ?

They are sold, the vacant lots by public auction, the leased and improved lots by private contract, to the persons by whom they are occupied, and have been improved, under the authority of an order in Council, the parties so admitted, to purchase, producing documentary evidence of their right to pre-emption.

Of the 466,000 acres sold, what proportion was improved on lease ?

I am unable to answer this question, as in the official books no distinction is made between occupied and unoccupied lots, nor between private sales and sales by auction.

What is the total amount for which the lands has been sold ?

£317,134 8s. 1d.

How much of this has been received ?

£117,555 14s. 7d.

Leaving a balance of £199,578 13s. 6d. still due ?

Yes.

Is any difficulty found in collecting the instalments for Clergy Reserves as they become due ?

Yes, a great proportion of them has been allowed from the commencement to remain in arrear, and for the last year and a half a greater proportion of arrearages have occurred, owing to the pressure of the times ; this will not appear by the accounts of the sums received as given above, but this is accounted for, by the fact that several of the purchasers have paid their purchase money and obtained their land before the instalments became due.

Do you know what is the ultimate disposition of the monies received on this account ?

I have understood it is vested in the English funds for the benefit of the Clergy, for whom these reserves are made.

Has not this been as yet practically for the Episcopal Clergy ?

I cannot say from my own knowledge, but I have understood so.

And this is the general understanding throughout the Province, is it not ?

Yes, it is, as far as I have observed.

Has this appropriation of the whole proceeds of these reserves, produced any, and if any, what feeling adverse to the political tranquility of the Province ?

I have reason to believe that it has produced a feeling of jealousy amongst

the different religious denominations, and more especially the Presbyterian Congregations, which has naturally tended to disturb the political tranquility of the Province.

In what manner are the timber duties collected in this Province?

The usual practice has been to grant licenses to applicants for the privilege of cutting timber upon Crown Lands, for a certain quantity specified in such a license; a bond is at the same time taken from the parties obtaining such license, for the payment of the crown dues thereon, and the raft on reaching Quebec, was made liable for the payment of the dues which generally amounted to more than that specified in the license, the parties having cut more timber than their license authorised.

But this applied only to timber sent down the St. Lawrence,—is there no timber cut in any part of the Province which is not sent by this channel?

There is a small quantity of timber cut in townships lying remote from the St. Lawrence, in the interior, which is sawn up in the neighbourhood, and upon which it has been found generally impossible to collect the duty.

Is there no timber of this sort sent into the States?

Not that I am aware of; the principal timber trade is on the Ottawa River.—A collector is appointed at Bytown, to ascertain the amount of duties upon the timber which passes that place. Timber cut upon the Crown Lands in this part, is in such small quantities, that it is difficult to discover whether it has been cut upon Crown Land or not, the expense of collection would be far greater than the receipts.

What has been the gross amount produced by these duties since the appointment of the Surveyor General of Woods and Forests?

Up to the 30th January last, it had amounted to £58,085 4s. 11d., since then there has been received £4,763 4s. 2d., to this must be added £8,567 13s. 6d., which the late collector of timber duties at Bytown, Mr. Sheriff, remained in default to the late Surveyor General of Woods and Forests, up to the 10th May, 1837, when he retired from office, as also a sum of £1,080 7s. 8d., which the same collector was in default to the present Surveyor General of Woods and Forests. The present Surveyor General dismissed Mr. Sheriff, as soon as his accounts could be made up, having previously placed the present collector, Mr. Stephenson, in charge to prevent further defalcations.

Was the whole of the amount received by the late Surveyor General, duly accounted for?

I cannot state; the books of this office do not shew how the account stands at present.

How did they stand when they left office?

The last account current of Mr. Robinson was, I understand, rendered after he left the office, and is not entered in the books of this department, so that I am unable to answer this question.

Then you have no account for the year he left office?

None for 1836.

Nor for the beginning of 1837?

Not his account with government.

Charles Shirreff, Esquire, of Fitzroy Harbour, Upper Canada.

August 26th, 1838.

What have been your opportunities of becoming acquainted with the amount and value of the timber growing upon the waste crown lands in the two Provinces?

I have resided now for upwards of nineteen years on the Ottawa, in the heart of the timber trade of the district, and having been engaged in the timber trade before coming out to this country, I have been led to pay attention to the subject. I was also employed for some years as Agent under the Surveyor General, to collect the timber duties on the Ottawa.

You have read that part of the evidence of Mr. Kerr, of Quebec, which relates to the quantity and value of this timber, and the largeness of the revenue, which might be eventually derived from it, do you consider that the opinion he has formed on this subject is well founded?

I think his opinion is well founded as to the quantity and value of the timber, but I do not agree with him, that the present duties are too low. As an illustration of the increased revenue which might be derived from this source, I may mention that the produce of timber licences on the Ottawa, in the year 1825, for the two Provinces, amounted to less than £2,000, and that it now amounts to about £15,000. I am under the conviction, from all the information I can obtain, that all the land to the north of the Ottawa, till it reaches the heights of the Hudson's Bay Company's land may be considered as pine land, and the supply therefore is practically almost inexhaustible. In addition to the present demand from the United States for pine timber through the St. Lawrence, in the event of a communication being opened between the Ottawa and the Lake Huron, a very considerable demand must arise from the Western States of America, bordering upon that lake, where there is no pine timber at all, and where settlement is making unparalleled progress.

Do not the present facility of obtaining large blocks of land, and at low prices, tend to diminish the amount of this revenue, by making it more advantageous to individuals to purchase land for the sake of the timber, only than to pay for licenses?

I should say so. Cases have occurred in which land has been bought merely for the timber, upon a calculation of course, that by this means, the timber would be obtained at a cheaper rate, than if it had been cut under license. I can mention that of a company of Americans, who purchased from private individuals some thousand acres in the township of Onslow, at the rate of I think 10s. per acre, which I do not conceive could bear any proportion to the value of the timber. Many similar cases, though to a smaller amount have occurred within my knowledge, and the temptation to do this was very great, because when the purchaser had paid the first instalment, and obtained his location ticket, he could proceed to cut the timber. And the only penalty for not paying the other instalments was the resumption of the land about which he was very indifferent. This was unfair to those who cut timber under the licences.

Has any method occurred to you of preventing this practice?

The only method that has occurred to me, is, that government should hold these lands which are generally unfit for settlement, and merely sell the timber upon them. Another check to these practices, would be that the whole of the purchase money of the land should be paid down at once.

Do you consider the present method of collecting the revenue from timber the best that could be adopted ?

Different methods are pursued in different places. Below the Ottawa the lumberer pays for the quantity of timber named in his license, whatever quantity he may cut. On the Ottawa he pays for the quantity actually cut. This difference arises from the fact, that on the Ottawa the quantity is ascertained by measurement, and that below, the mere statement of the lumberer is received as evidence. The method of payment, according to the quantity ascertained by measurement arose in the following manner. The timber trade of this country had its origin in licenses granted by the crown at home, to contractors for the supply of the navy yard. In order to enable the contractors to fulfil their contracts, they were allowed to cut timber in Canada for nothing, under these licenses. This continued till the year 1824 or 1825. Previous to that, in consequence of their being no superintendence of the crown forests, many private persons in the Province cut timber without a license, and often interfered with the persons who were cutting with a license from the crown at home. This led to complaints from the agents to the contractors, and the Attorney General of Upper Canada finding that the timber had been cut illegally, seized and sold it. This produced great confusion and dissatisfaction, and I was then consulted by the Government of Upper Canada as to the means of putting the trade upon a more satisfactory footing. I recommended that the trade should be made free, by admitting all persons to cut timber upon equal terms, and that the quantity cut should be ascertained and paid for after it had been cut. In consequence of the matter being referred to the home government, the present system was adopted in the year 1835, and the trade thrown open, and it would have been uniform if a superintendence could have been established throughout both Provinces, similar to that adopted on the Ottawa, from whence the greatest part of the timber comes, and where the whole of it must necessarily pass under the eye of the Inspector.

Are you of opinion that the revenue derived from timber in this country might be increased by the adoption of a more extensive system of superintendence ?

Yes, I have no doubt that such might be the case.

You consider that one of the most efficient means of increasing the demand for Canada timber, would be the opening of a direct water communication between the great timber districts on the Ottawa, by means of the lakes and the new settlements, forming in the north-west by the Americans ?

There can be no question of that. It would create an immense trade in that direction. Besides the mere facility of communication for conveying the timber to a new market, the increased facility of obtaining provisions for the great number of lumberers employed, who are now for the most part supplied from the Upper Province, by the way of Montreal would enable the lumberers to sell their produce at a cheaper rate, which is the most efficient means of adding to the demand. There is no part of Upper Canada where provisions are so dear as on the Ottawa, where many thousands of persons are employed in lumbering, and I have no doubt that a direct water communication with the lakes would have the effect of rendering provisions as cheap in the Ottawa district as in any of either Province.

Honorable *Robert Baldwin Sullivan*, Member of the Executive Council.

You are, I believe, Commissioner of Crown Lands, Surveyor General of Woods and Forests, Agent for the sale of Clergy Reserves, and Surveyor General?

Yes I am.

These offices are of recent creation?

Yes. Previously to the appointment of Mr. Robinson, the whole business of the land granting department was conducted by the Surveyor General. The office of Commissioner of Crown Lands was then appointed. Then the appointment of Surveyor General of Woods and Forests was made and conferred upon the same gentleman. The duties of this office are principally the collections of duties paid on licenses to cut timber. Shortly afterwards the Act of Parliament, by which the sales of a specified portion of the Clergy Reserves is authorized, was passed, and under that Act Mr. Robinson was properly, I think, as it was a part of the sale of lands, appointed as an agent for the sale of these reserves. Upon his resignation of the offices of Commissioner of Crown Lands and agent for the sale of Clergy Reserves, I was appointed thereto.

What was the salary and emoluments of this office?

The Commissioner of Crown Lands, by his instructions was authorized to receive £500 per annum, and also a percentage upon all sales of crown land effected by him, until the same should have amounted to £1000 per annum. He also receives £500 per annum as agent for the sale of Clergy Reserves. When I obtained the two offices, I was to receive £500, as Commissioner of Crown Lands, without any percentage, and £500 as agent for the sale of Clergy Reserves. I have since been appointed Surveyor General of Woods, and Surveyor General. I perform the same duties in relation to the Indian reservations, without any additional emolument. This consolidation of offices took place partly on account of representations from the Home Government, of the inutility of so many offices to perform what was in most respects the same duty, and partly in consequence of a Report from the House of Assembly.

Under these appointments you have the whole superintendence of the crown property in these Provinces, as regards the sale and location of crown lands, selling of licences to cut timber; and you also have the exclusive management of the sale of clergy reserves?

Yes I have.

By what regulations are you guided in the performance of these duties?

I am guided in the disposal of crown lands by an Act of Provincial Parliament, passed during the last session, by various orders from His Majesty's Government, received from time to time, and by a series of Orders in Council, passed since the first settlement of the Provinces. As agent for the sale of Clergy Reserves, I am guided by the Act of the Provincial Parliament authorizing their sale, and by Orders in Council.

By the instructions given to Mr. Robinson, put in by Mr. Thornhill, the first instalment, on account of the purchase money, is required to be paid down; this practice however has not been generally observed since your appointment, has it?

It has not been followed, because the sales have taken place simultaneously in different parts of the country, and I would not be accountable for the receipts of money by the persons appointed to sell. A reasonable

time is allowed by me for the payment of the money into this office, upon which an official receipt issues, and I have not treated the parties as acquiring any right until this payment is made. In the few sales which have taken place in town, I have directed the money to be paid on the same day into the office, and have attended myself for the purpose of receiving it in case of any dispute. The Act of Parliament however to which I have referred, relieves me from this difficulty, since it directs payment to be made to the agents who are to give securities.

But does not this Act supercede all other regulations in respect to the sale of crown lands?

Not altogether. It was not the intention of the Parliament, that this should be the case. Certain commissioners had been, I believe, appointed by the House of Assembly of New Brunswick, to negotiate with Her Majesty's Ministers on the subject of the casual and territorial revenue of the Province. A draft of a Bill was made in London with the concurrence of the Home Government, by which all disposition of the crown lands, otherwise than by sale by auction, was declared to be void. This Act was sent out to the Lieutenant Governor of this Province, with directions that the subject should be submitted to the Colonial Legislature, and that they should be invited to legislate upon it, with a view to the relinquishment of the crown revenue to the disposal of the Provincial Parliament. The House of Assembly did not desire to abrogate all rights to land, and pledges of the government in the sweeping way proposed by that Act. They passed the present modified bill, still leaving the claimants upon the government, the enjoyment of their rights, and to the Governor in Council, the discretion given in the Act; at the same time introducing such popular changes in the former system as they thought fit.

But this Act continues the system of sales by auction—are there any particular advantages connected with this system to overbalance the delay and uncertainty which appears to attend it?

The circumstances of the different parts of the Province as locally affected by settlement, and consequent value of land, makes it difficult to give a general answer to this question. When lands are in the immediate neighbourhood of, or surrounded by settlement, much discontent, and many charges of favoritism are avoided by public competition. But this advantage, speaking of it as a general system, is far more than counterbalanced by the delay which takes place in the acquisition of lands by persons desirous of purchasing it, and by the impossibility of selecting, in anticipation, the lands on which individuals desire to settle. In my opinion, were it thought expedient that the local government should be so far trusted, certain lands ought to be open for public competition, and in cases where large quantities of land were for sale, and no competition likely, a certain price should be fixed, at which any person should be able to acquire land on application. It is impossible to advertise all the vacant lands in the Province for sale at one auction, and in any selection that can be made of lands, upon which individuals may have fixed their attention, they are often unavoidably omitted, so that a freedom of choice to settlers is prevented without any advantage to the government, and I know of no instances in which, in the sale of large tracts of land, a greater sum than the upset price has been obtained, however low that upset price may have been. The bidders at these sales generally consider it a duty they owe to each other not to bid up these lands when there is

so much choice, so that in fact the system of sale by auction is a cumbersome dead letter from which the public receives no advantage; while the settlers are seriously delayed in their locations. The expenses of a man's family even for one month, will amount to half, and in many cases to the whole of the purchase money of the government lot, and he may remain for several months before the lot he has selected can by any possibility be put up, if the publicity required in any sale by auction is to be given. In my opinion it should be left to the local government to decide what lands should be open to competition, and that this competition ought to be allowed in all cases when it was really probable it would occur, and it should also be left to the same authority to say what were the cases in which sales should take place at a fixed price, and that this should be the case when real competition was not probable. As respects Clergy Reserves which are generally valuable from lying scattered through the settlement, a good deal of competition is likely to take place at a public auction, and this probably would have been the case equally with the crown reserves, had the same not been sold to the Canada Company.

Would not this however cause the evils of delay and uncertainty which you have described, as resulting from the system of auction in respect of these lands which it is most desirable to settle at once?

It will occur in some degree, but there is no other means of avoiding charges of favoritism which may be made, and which nothing but an actual trust in the integrity of the officers of government, not liable to be shaken by the misrepresentations of interested or disappointed individuals, would enable those officers to withstand. The evil however in this case would not be of so great an extent, as these lands are so valuable as to be worth waiting for, for a certain time, and on the other hand they may be of such very great value to persons in the neighbourhood, that it would be unjust to them, not to allow them the opportunity of competing in the purchase. It might also be obviated by a sale, setting these lands up to sale in the first instance, by auction, and if not then sold, afterwards selling them at the upset price.

Your objections to the system of selling at a fixed price seem, however, to apply to the opinion which might be formed of the Officers of Government, than to any evils to be produced by such a system to the public?

With the best intentions, an error may be committed, in the valuation of a lot of land, and it would not fail to be set down to corrupt motives; but generally speaking, a fixed price would work well for the public interest. I do not mean by this, an uniform fixed value on all the lands in a province, district, or township, because, in some cases, individual lots should be valued according to those circumstances which give value to lands, and which vary almost infinitely, and it should be left to the local authorities.

But would not this especially expose them to the charge of favoritism?

Possibly it would; but I am supposing that confidence should be placed in the government.

You have read the evidence given by Mr. Thornhill—do you agree in opinion with him, as to the effects which he has described as being produced by the practice of selling land, and allowing the purchase money to be paid by instalments?

When the object of the sale of lands is revenue, and the lands are valuable, from being surrounded with settlements, the system of selling by instalments appears to me to be a very good one, because an industrious man can pay for his land out of their proceeds, and at the same time increase the value of his lot incalculably; or he can at any time sell his land at its improved value, and thus pay the principal, and the large interest of six per cent. without any great inconvenience to himself.— And from the lands being scattered, there is no probability of the combination of purchasers against the claims of government, which always takes place where lands are disposed of to a whole community on credit, and when because the whole community are debtors, they unanimously resolve not to pay. But as respects sales in remote places and new settlements, the effort to raise from the land itself the means of paying the purchase money, is generally unsuccessful. The improvement in the value of land is very much more than the original value as wild land, but in this improvement the exertions of the settler are generally expended, so that a man may be very industrious and successful and become the possessor of a valuable property, and at the same time be quite unable to pay purchase money of the land, by the sale of the produce he may raise upon it. In his case if he owes a debt to the government, it is almost hopeless to attempt to pay it, and he becomes a discontented person. He can neither be expected within any reasonable time to pay his instalments, nor to remain contented without a title to his land and improvements.

A considerable part of the purchase money of government land is still in arrear, is it not?

It is.

Have any attempts been ever made to obtain the payment of these arrears?

No they have not, and in some cases I am afraid it will be necessary to give them up. You cannot attempt to eject a whole community.

You are aware of the practice which has been pursued of selling a part, one-seventh of the waste lands of the province, for the support of a protestant clergy, has it occurred to you that the portion thus set apart is larger than that directed to be made for this purpose by the Constitutional Act?

The Constitutional Act directs that a portion, equal to one-seventh of the granted lands, should be set apart and specified in the patent granting such land. This would actually not amount to one-seventh of the whole lands of the province. A proportion of one-eighth I think would be the legal reservation.

What has been the actual practice in specifying the reserve in the patents?

The reservation in each patent has never amounted to more than one-seventh of the quantity of lands granted by the same patent.

And would you not consider that under the Constitutional Act, the portion thus specified is all that can be properly considered as Clergy Reserves?

Land is not legally a Clergy Reserve until it is legally specified in the patent. It has merely been designated thus for the convenience of having it at hand, when descriptions for patents were to be made out.

The practice however has been, has it not, both with the Surveyor

General and with the agent for the sale of Clergy Reserves, to treat all this appropriated land as Clergy Reserves?

I find that the practice has been to treat the unspecified as well as the specified as Clergy Reserves.

But the Constitutional Act gives no authority for locating as Clergy Reserves any land that is not specified?

Certainly not. But I think no inconvenience can result from it, as it is a matter which depends upon calculation, and can be settled at any time.

Has any inconvenience been found to result from making these reserves?

The making the Crown and Clergy Reserves has caused the land in many instances to remain vacant, and has added eventually to the greatest evils under which the country has been laboring; that is, the intervention of unsettled lots in the midst of settlement, and the consequent scattering of the population, and increase in the difficulty of providing the means of communication through the country.

There has been an act authorizing the sale of the Clergy Reserves, has that put an end to the evils resulting from this cause?

The Clergy Reserves are very much sought after at present, because of their being interspersed amongst the settlements, and the sale of them so far as it has gone, has tended to remove the evils I have described, but as agent I am restricted to the sale of one-fourth of the Clergy reserves, which one-fourth is now nearly exhausted.

So that the act in question will afford a very incomplete cure for the evils thus occasioned?

Very incomplete indeed.

In this manner, therefore, the reservation of this portion of the land for the support of the Clergy, appears to have been productive of injury to the country, by obstructing its progress in wealth, and wasting the resources of its inhabitants. Has the manner in which the proceeds of these reserves have been appropriated to the support of one church only, produced any, and what feelings adverse to the harmony and tranquility of the Province?

It has produced a great deal of discussion and agitation of late years, both in the Legislature and upon popular feelings, one party have been satisfied with it, and another against it, and both sides have maintained their cause with the violence and heat which always attend discussions, into which religious differences are introduced.

Crown Reserves are, I believe, no longer made?

They are not any longer made in effect, and those which have been made, and have not been disposed of to the Canada Company, have been disposed of, or are open to disposal in the usual way, as other parts of the Crown domain.

Have the evils which you have described as resulting in former times from the Crown, as well as from Clergy reserves, been put an end to, by the sale to the Canada Company, to which you have referred?

So far as the Canada Company have sold their reserves, this has been done.

Are you aware to what extent these sales have been made?

No, I am not.

What effect has been produced by the sale to the Canada Company of these reserves, upon the settlement of the Province?

The effect promised by the institution of the Canada Company was the promotion of emigration and the improvement of the territory ceded to the Company, thus making it fit for settlement, and developing the resources of the Province. The improvement of the territory has not however been promoted in the case of the reserves, because they are scattered as the clergy reserves are throughout the settlements. So that the Company could not be expected, and did not make roads or other communications to them. The sale has consequently been solely one of speculation, the Company purchasing at a very low rate, and selling it at a very great advance. I think that if the lands were to be disposed of by government at a low price, the encouragement to emigration would have been greater had they been so disposed of to individual settlers, and if revenue was the object of sale, the prices which have been obtained for Clergy Reserves will show that this object would have been obtained with a quadruple effect, by a sale to individuals, at what the land would fetch. I think too that the sale of the Crown reserves to the Canada Company has had a mischievous effect upon the grants to officers, who were encouraged to emigrate in the hope of receiving at the hands of government, a place upon which they and their families could reside. The intentions of government have in fact been rendered in a great measure abortive. Had the sale to the Company not taken place these settlers could have been permitted to take locations in the midst of settlement, and in the neighbourhood of schools and places of worship, and they consequently would have resided upon their grants, where their residence would have had a greatly beneficial effect upon the Province. Since the allowance of officers has been changed from grants of a certain number of acres of land without reference to situation or value, to an allowance of a certain amount of value in land, the saving of land to the government would have been very great, inasmuch as instead of receiving 1200 acres in the back woods, at five shillings per acre for £300, he would have been glad to receive in many cases 300 acres of these Crown Reserves at one pound per acre: in the latter case he would have resided upon his grant, and improved the country and increased its resources, while on his present place he is not able to reside, and it remains a wilderness in the way of any effort of the government to improve the neighbouring country. In many cases when officers have attempted settlement in the back country, on these large grants, they have been impoverished and discouraged, and their families placed beyond society, and without any means of education.

Was not an attempt made to found a settlement of officers thus entitled to grants or remission in the neighbourhood of Lake Simco?

Yes, and in other parts of the Province.

What has been the result of these attempts?

In many instances very unfortunate, up to this time the settlers have undergone innumerable privations, from which, however, a better state of things, and inward emigration, may relieve them.

Have not many of these individuals been compelled to abandon their locations?

Those who had the means of purchasing land in the settlements, and who had not exhausted their means in the attempt to settle in the back country have, in a great many instances, purchased land near the Frontier. Those whose means were exhausted by attempts to improve their grants, still continue to struggle against the difficulties of their situation.

You have stated that increased emigration might relieve individuals thus circumstanced from the difficulties of their present position—what means are there at the disposal of government to encourage or promote such emigration at the present time?

The question of the appropriation of the hereditary revenue of the Crown, has caused the cessation of all outlay for this purpose, and left the government without funds at its disposal, either to encourage emigration or to make the country fit for settlement on the arrival of emigrants. When settlement was confined to the Frontier along the banks of navigable rivers, or on the shores of the lakes, the intervention of government to form or to maintain the means of communication was not necessary, but now that settlers have to go into the back country, it is in the highest degree necessary that this should be done.

But as one of the chief inducements to emigrate is the hope of obtaining land, and as there does not appear to be more than about 1,000,000 acres, and that chiefly of inferior land at the disposal of government, the Crown is deprived of the principal means of encouraging emigration?

In addition to the 1,000,000 acres in the surveyed districts, there are about 3,000,000 acres of very superior land, well situated for settlement, the Indian possession of which has been recently relinquished to the government.

But even with this acquisition, the quantity of land at the disposal of government, is not equal to half the waste land in the Province, the property of private individuals?

In addition to this, however, there is, I believe a very large amount of land in the Province which has been located since the early settlement of the Province, but which has not been patented, and which either never has been settled, or the settlement of which has been abandoned, and which has consequently reverted to the Crown. As respects the lands in the hands of individuals, they are to be obtained upon very low terms, perhaps quite as low as the Government would be disposed to sell their lands, so that the inducement to emigration may be more easily ascertained by a comparison of the actual population of the Province, with its superficial extent, considering the Province as generally fertile as far north as the latitude of Quebec, than by any comparison with the actual surveyed townships, or the lots of land still in the hands of government.

Have the Casual and Territorial Revenues, including the entire produce of the sales of land been given up to the Provincial Legislature?

They have been offered to the Provincial Legislature, on condition of its providing a permanent Civil List. This condition has not however been complied with, the question still remains open.

If this offer had been accepted, the home government could have had at its disposal no means of improving the country?

The government would have had no means, independently of the Legislature, and the unpeopled part of the country not being represented in parliament, the probability is that the improvement of the back country would be almost neglected. It has always appeared to me that the legitimate means for the improvement of the Crown domain are the revenues produced by its disposal. I think it might be more advantageously employed in this manner than by any appropriation for general purposes.

Anthony Bowden Hawke, Esqr. Chief Agent for Emigrants in Upper Canada.

What have been your opportunities of becoming acquainted with the circumstances affecting the employment and settlement of emigrants in Upper Canada ?

I have resided in the Canadas for nearly twenty-two years, and have held the situation of Chief Agent for Emigrants since 1833. I have also been a magistrate during the last twelve years. I have consequently been brought a great deal in communication with the people of the country ; since I have been Chief Agent, we have opened and actually settled twenty-three townships.

What is the nature of your duties as Emigrant Agent ?

To furnish emigrants with information as to routes, distances, and rates of conveyance to different parts of the province ; to point out the Crown lands offered for sale in the several districts, to furnish free passage, and assistance to indigent and pauper emigrants, and to enable them to proceed to places where they can obtain work, and when employment is scarce, to occupy them in opening roads, clearing lands, erecting shanties, &c. I have also to correspond with, and issue instructions to the local agents who have charge of the different settlements, and to examine and report upon their accounts.

What have been the numbers of emigrants arriving in this Province, since the year 1829 ?

The numbers that have arrived in Quebec have been in the year

1829	15945
1830	28000
1831	50254
1832	51746
1833	21752
1834	30935
1835	12527
1836	27728
1837	21500
1838	2702

263089

making a total of 263089. Of these 175390, or two-thirds came to Upper Canada.

What were in general the character and circumstances of these emigrants ?

The emigrants may be divided into three classes, those who are possessed of capital ; those who are in indigent circumstances, but have emigrated on their own means ; and the pauper emigrants who are sent out by their parishes. In the year 1832, 33 and 34, a considerable portion of the emigrants consisted of the first class ; since 1834, the number of emigrants possessed of capital, has been very inconsiderable, and the emigrants have consisted almost entirely of the two latter classes.— In 1834 the proportion of pauper emigrants were one-eleventh, in 1835, one-eighth, in 1836, one-fifth, in 1837 about two-sevenths.

For what proportion of the emigrants have you found employment ?

It would be extremely difficult to answer this question, but probably

it has never exceeded one-twentieth, and these have generally been those who have arrived late in the fall after the harvest.

In what manner have the remainder found employment ?

A small portion have found employment in the public works, but the great majority have been engaged by the farmers and mechanics through the Province.

What funds have you at your disposal for forwarding and relieving emigrants, and for the employment of those emigrants who cannot obtain employment from private individuals in the Province ?

The Government is empowered by a despatch from the Secretary of State for the Colonies, to expend out of the Casual and Territorial revenue, the sum of £5000 sterling per annum for these purposes.

What amount has been actually expended in each year under the authority of this despatch ?

In 1831, the expenditure amounted to £5720 currency, in 1832, to £18820. During these two years the emigrant department was under the superintendence of the Commissioner of Crown Lands ; in 1833, I was appointed Agent for Emigrants, and the expenditure has since been as follows :

In 1833	£2686
1834	4530
1835	4743
1836	2720
1837	2973

In what manner was the large expenditure of 1832 produced ?

In consequence of the appearance of Asiatic Cholera, the people of the country were afraid to employ emigrants, as they supposed the disease to be contagious, consequently the Government was obliged to find work for them at the public expense ; it was also needful to erect hospitals for the reception of the sick who were very numerous, and this formed a considerable item in the year's expenditure.

As a general rule, however, I understand from you that the emigrant labourer finds little difficulty in procuring employment ?

There is generally very little difficulty, except with those who arrive late in the fall, more difficulty was experienced last year in consequence of the derangement of the monetary system of the colony.

In what state as to health, have the emigrants generally been on their arrival in the Province ?

Emigrants who enter the Province by the way of the St. Lawrence, in consequence of being exposed in open boats, are frequently indisposed on their arrival at Prescott, where, however, there is a hospital provided for their reception ; the proportion, however, of those who are so indisposed is small ; the expenses of last year at Prescott, Kingston, Hamilton, and Toronto, for medicine, medical attendance, and comforts for sick emigrants, did not amount to more than £250, for an emigration of upwards of 21,000 persons, the majority of whom were in indigent circumstances.

Of the emigrants who have arrived in the Province during the last ten years, what proportion do you suppose have remained ?

I should say, at least three-fourths ; of the remaining fourth a great proportion have probably settled in the States, and some have returned home ; the public works which are constantly being carried on in the United States, offer considerable inducements to a certain class of emigrants.

How long do these indigent emigrants to whom you have referred, generally remain in the condition of laborers ?

With the more prudent of them it generally happens that in the course of two or three years they have money enough to pay the first instalment, on a Government or Canada Company lot, or to purchase a small quantity of land of some private person ; this is the course generally pursued by those who are not settled in towns or employed on public works.

You say that many of these emigrants contrive to pay an instalment on a Government or Canada Company lot—what proportion of the whole purchase money does this instalment generally form ?

Crown lands and lands belonging to the Canada Company, are sold upon the following conditions, viz : one-fourth of the purchase money is required to be paid down, and the remainder with interest in three annual instalments, on Clergy lands one-tenth is required to be paid down, and the remainder in nine annual instalments with the interest.

What prospect do you conceive that an emigrant labourer who has purchased in this manner, has of paying the remaining instalments out of the produce of his farm ?

My attention has been most particularly directed to the settlers who purchase of Government, and it is my opinion very few persons of this class succeed in paying the remaining instalments ; I might mention as an instance of the effects produced by the method of taking payment by instalments, that in 1832, a number of settlers who had been sent out by the Petworth Committee were located in Adelaide and Warwick, on 100 acres of land each, which was valued at ten shillings per acre, they were to pay the first instalment in three years with interest ; provisions and implements were furnished by the Government, for which acknowledgements were taken, in which they engaged to repay the amount before receiving the patent of their lands ; there has not been a single instance in which they have fulfilled their engagements from their labor on the produce of their lands ; there have only been two instances in which any payment has been made, in these cases the individuals have sold their improvements to wealthier settlers. In the Bathurst district a number of indigent settlers were located upon free grants of lands, to whom the Government made advances of provisions and implements, taking acknowledgements of the amount thus advanced, the whole of this sum amounting to nearly £30,000, currency, has been abandoned by Government ; and not to dwell upon these, perhaps exceptional instances, I believe that in fact a very large proportion of those who have purchased lands of Government have not paid their instalments as they became due.

Do you know if any means have been adopted to enforce the payment of such arrears ?

I believe not in a single instance.

The individuals who purchase land in this manner, and have paid only the first instalment, have not however obtained a satisfactory title to their land ?

They have not, the deed never issues until the whole of the instalments, with the interest has been paid up.

Are sales of property thus circumstanced recognized by Government ?

Under an Act of the last Session of the Provincial Parliament, a transfer of these rights has been authorized.

These settlers however, although hitherto permitted to remain upon their lands, are of course liable to be ejected at any moment by the Go-

vernment, and can have no security from year to year, that this may not be done, in which case they would necessarily lose the benefit of their labor?

They are so circumstanced.

What effect does this state of uncertainty as to the ultimate enjoyment of the fruits of his labor produce upon a settler?

It naturally has, in many instances, a most disheartening operation, especially in the case of the poor settlers; as an individual of this class finds the instalments with interest accumulating on him, he is apt to despair of ever being able to pay for the land, and is induced in many instances to abandon his improvements or sell them for a trifling consideration; another disadvantage which appears to me to result from this plan of selling by instalments, is the creation of a class of national debtors.

Then you imagine that the plan of selling lands by instalments, and thus encouraging individuals prematurely to become settlers, is neither beneficial to the individual nor to the Province?

Yes that is my opinion, I think it has the effect of converting a number of useful laborers into indigent and useless farmers, who, from want of capital are unable to bring their land into cultivation.

In addition to the difficulties under which these individuals labor from want of capital, are there no other difficulties arising from the manner in which the lands in the Province have been disposed of by the Government?

There are many other difficulties.

Will you be so good as to describe the nature of these difficulties?

The principal evils to which settlers in a new township are subject, result from the scantiness of population; a township contains 60,000 acres of land, one-seventh is reserved for the Clergy, one-seventh for the Crown, consequently five-sevenths remain for the disposal of Government, a large proportion of which is taken up by grants of U. E. Loyalists, militiamen, officers and others; the far greater part of these grants remain in an unimproved state, these blocks of wild land, place the actual settler in an almost hopeless condition, he can hardly expect during his lifetime to see his neighbourhood contain a population sufficiently dense to support mills, schools, post offices, places of worship, markets or shops, and without these civilization retrogrades. Roads under such circumstances can neither be opened by the settlers, nor kept in proper repair, even if made by Government; the inconvenience arising from want of roads is very great, and will be best illustrated by an instance which came under my own observation in 1834. I met a settler from the township of Warwick, on the Carradoc Plains, returning from the grist mill, at Westminster with the flour and bran of thirteen bushels of wheat, he had a yoke of oxen and a horse attached to his waggon, and had been absent nine days, and did not expect to reach home until the following evening; light as his load was, he assured me that he had to unload wholly or in part several times, and after driving his waggon through the swamps, to pick out a road through the woods where the swamps or gullies were fordable, and to carry the bags on his back and replace them in the waggon; supposing the services of the man and his team to be worth two dollars per day, the expense of transport would be twenty dollars; as the freight of wheat from Toronto to Liverpool is rather less than 2s. 6d. per bushel, it follows that a person living in this city could get

the same wheat ground on the banks of the Mersey, and the flour and bran returned to him at a much less expense than he could transport it from the rear of Warwick to Westminster and back, a distance less than ninety miles. Since 1834 a grist mill has been built in Adelaide the adjoining township, which is a great advantage to the Warwick settlers, but the people in many parts of the Province still suffer great inconvenience for the same cause.

The instance which you have just related is, I suppose, an illustration of an evil of every day occurrence, though not so often to the extent?

Yes, the evil is universally complained of in all newly settled parts of the country.

Which comprises probably the greater part of the Province?

I should imagine two-thirds of the surveyed townships, are subject to this evil.

This is, however, an evil for which you, under the circumstances you have detailed, of the chief part of the land having been placed beyond the disposal or control of the Crown, Government can at present afford no adequate remedy?

It has been suggested that if the *statute labor* was commuted for a money payment, a sufficient fund might be raised to put the leading roads in the Province in a good state of repair.

Would this be sufficient to provide an effectual remedy to the evil?

I should apprehend not, in the new townships, the population is not sufficiently dense to keep them in good order.

And even if this were done, only one class of the evils which you have described, namely, those resulting from a want of the means of communication would be remedied, and the settlers would still be without the means of education for their children, as well as without post-offices, markets, &c.?

I am of opinion that the improvement of the roads would induce many persons to settle on new lands, provided the private individuals to whom the lands belong, would sell them at a reasonable rate.

You have stated that part of your duties as Emigrant Agent, is to point out to emigrants the Crown lands offered for sale in the several districts, from what source do you derive your information on this subject?

From the diagrams and maps in the Surveyor General's Office, and the reports of the Surveyors. I also generally give the parties letters of introduction to the resident Agent for the district, where he wishes to settle.

Are there any complaints of difficulties experienced by emigrants in the selection and acquisition of Crown lands?

Yes, but most of them are inseparable, from the situation of the lands offered for sale by the Government; the person wishing to purchase is generally compelled to take a guide who is accustomed to the wilderness to point out the lots, but after he has selected the lot, he frequently finds himself outbid at the public auction; this, however, refers to the system before the recent Act of the Provincial Parliament, for the disposal of public lands.

Amongst the emigrants to this Province, has there not been a considerable number of commuted pensioners?

Yes.

What was the actual number?

I am unable to give a precise answer to this question, as they are classed in the Surveyor General's Office, under the general head of *Discharged*

Soldiers ; but from the best information I have been able to collect, upwards of eight hundred came to the Province in 1832 and 1833.

What proportion of these do you suppose have settled upon the lands assigned to them by Government ?

The major part of them took possession of their lands, but very few continued to occupy them, and even those who continued to reside upon their lands are constantly petitioning Government for assistance, as they are not able to raise sufficient grain to support themselves.

Those who have not settled upon their lands, have, I presume, in most instances sold their grants ?

When they succeed in obtaining a patent for their land they generally sell it.

Will you describe generally the condition and ultimate fate of these individuals ?

The plan which the Government pursued with regard to these individuals was to give them a certain amount in money, and a specified quantity of land ; one half of the money was paid to them in England and the remainder in Quebec or Montreal : with scarcely an exception, all those who arrived in this Province had spent the whole of their money, and were in a state of the greatest destitution ; they were sent to their lands at the expense of Government, or employment was offered them for six or eight months ; as the expense however could not be continued, it was put a stop to, and a great number abandoned their lots and repaired to the town, followed by their families, where many of them continued to reside, and procure a precarious living by begging and other less creditable means. In order to relieve this city, I was directed by Sir John Colborne, in 1834, to send upwards of forty persons of this class, with their families, to Penetanguishine, where they received rations, in the expectation that the time would arrive when they would be able to provide for their own wants ; more or less assistance has been granted every year since their landing in Canada, and so far are they from having bettered their condition, that the necessity of relieving them is as imperative as ever, their distressed situation is to be attributed to their habits and infirmities, they are not able to bring their grants of lands into cultivation to an extent that will supply them with food, or able to earn their bread as laborers, while their habits preclude the possibility of employing them as domestic servants, they are with very few exceptions a burthen to the country.

Charles Rankin, Esq. Deputy Land Surveyor.

How long have you been practising Land Surveyor in this Province ?
Since 1820.

During that period you must have had many opportunities of observing the system of disposing of waste lands, the property of the Crown ?

I have.

Will you describe the general results of that system so far as you have had an opportunity of observing ?

The system of making large grants to individuals who had no intention of settling them has tended to retard the prosperity of the colony, by separating the actual settlers, and rendering it so much more difficult, and in some cases impossible for them to make the necessary roads. It has also made the markets more distant and more precarious. To such an extent have these difficulties been experienced as to occasion the abandonment of settlements which had been formed. I may mention an instance of this, the township Rama, where, after a trial of three years, the settlers were compelled to abandon their improvements. It should be noticed, that the settlers in this instance were not of a class fitted to encounter the privations of the wilderness, being half pay officers. In the township of St. Vincent, almost all the most valuable settlers have left their farms from the same cause, the township of Nattawasaga and Collingwood, the whole of the land in which had been granted, and which are almost entirely unsettled (Collingwood I believe has only one settler) intervening between them and the settled township, and rendering communication impossible. There have been numerous instances in which, though the settlement has not been altogether abandoned, the most valuable settlers, after unavailing struggles of several years with the difficulties which I have described, have left their farms.

You were at one time Deputy Surveyor, employed in the Western district ?

Yes, I was for ten years.

What, in your opinion is the proportion of land in that district granted by the Crown, now occupied by actual settlers ?

I should imagine one tenth.

Then the remaining nine-tenths are still in a state of wilderness ?

Yes, necessarily.

Of course the roads through this district must necessarily be very inadequate to the wants of the people ?

Yes exceedingly so ; the resource of the settlers are altogether inadequate to the making of roads, and there is no public provision for making them.

Do you know if in this district the Crown has any large quantity of land yet remaining at its disposal ?

I believe it has very little.

Then the Crown has no means at present of locating actual settlers in this district, and thus of removing the difficulties complained of by those who are settled there ?

No it has not. It appears to me that the remedy is in the hands of the Legislature, by imposing a tax on wild lands.

But there is a tax upon wild lands, is there not ?

Yes, but so trifling as to be quite insufficient for making grants, especially in the absence of statute labor. The tax upon settled land is higher

than the tax upon wild land, and in addition to this the settler has to perform statute labor upon the roads, from which the owner of wild land is altogether exempt.

Are the proprietors of this unsettled land, residents in the Province ?

They are generally residents in the Province, and to a great extent Members of the Assembly or Legislative Council, which, perhaps, affords a sufficient explanation of the continuance of those evils, without effectual means being adopted for their removal.

Are the present holders of this wild land, the original grantees of the Crown ?

In very few instances. They are generally persons who have purchased the claims of the U. E. Loyalists and others, and now possess in many instances tracts of upwards of ten thousand acres ; I believe in some instances forty thousand acres.

But do not these individuals make any effort for the improvement and settlement of their property ?

I know of only one instance in which this has been done, and that to a limited extent. They generally hold for sale, but at prices, that under the circumstances, it is unfair to expect a settler can pay.

Do they then ask higher prices than those at which land is sold by Government ?

In general they do not ; but an individual purchasing of Government knows the Government land will be open to settlement on the same terms as those on which he has purchased, while in the case of private individuals he has no security that it will be open for settlement at all, and he is assured that the price will be raised in proportion as the settlement increases ; in fact his settling upon the land will induce the proprietor to put a higher price upon the adjoining lots, and thus will even tend to retard the settlement of the tracts.

Are there no other obstacles to the settlement of the Province, than those arising from large tracts of wild land held by individuals ?

Yes ; the plan of apportioning Crown and Clergy Reserves on the different settlements, by intermixing them with the lots opened for settlement, and thereby separating the settlers, has caused injuries of precisely the same description as those to which I have alluded, as being occasioned by grants to individuals.

William Warren Baldwin, Esq. M. D. formerly M. P. P.

How long have you resided in this country ?

Nearly forty years, I came into the Province in 1799.

During your long residence in this Province, you have had many opportunities of observing the various systems pursued in the disposal of the waste lands in the Province ?

I have no official knowledge on the subject but from the occurrences of the times as they have presented themselves to my notice, I have had those opportunities.

Did not the Government at one time offer to grant whole townships to individuals who would undertake the settlement of them ?

Yes they did.

Will you describe the proceedings that took place in consequence of those offers, and the result which they produced, as far as they came under your knowledge ?

The only townships that I recollect as having been assigned in this manner, were those of Markham, Whitby, Hope and Cramahé, the township of Markham was assigned to Mr. Berczy, on condition of bringing sixty heads of families and settling them in the townships. The township contained, I believe, about 60,000 acres. Mr. Berczy brought in his settlers, as he informed me, but after having done so, the Provincial Government, considered that this township system was an unwise method of granting land out, and not only refrained from making any more grants for the future, but also determined to rescind the orders in Council in favor of the township nominees. I believe all these nominees, with the exception of Mr. Berczy (who refused it as inadequate to his losses) accepted the compromise offered by the Government, which was, as I understood, 1200 acres for themselves, and the same to the several members of their families. Mr. Berczy has informed me, that in the formation of the settlement he had expended 60,000 dollars, the whole of which was necessarily a total loss. Some other individuals made great exertions to settle the townships assigned to them, and the result of this township system was to forward the settlement of the country.

When this township system was abandoned, what system was substituted in its place ?

I believe the power of granting land was vested in the Governor in Council, and that they gave lands to almost every body who applied for them, without any condition beyond that of paying fees upon a verbal statement, that they were going to live in the country.

This statement I presume was only required from emigrants ?

No, from those who resided in the country, no conditions whatever were required.

The greater part of these grants were made to persons who did not settle on their lands ?

I cannot give any accurate answer to this question, but I presume it was so.

When an emigrant arrived in this country, did he find any difficulty in the selection of his land ?

I have frequently heard that individuals did find great difficulty in the selection of their locations, and I can say for myself, in the location of the 1200 acres granted me by an order in Council, I was compelled to wait for many years for the completion of my location, in the hopes of

making a favorable selection, and I had found other persons obtained locations in townships when I had been given to understand in the Surveyor General's office, that there were no locations to be had, and if I, as a resident in the county, experienced those obstacles, I can imagine they are felt in a far greater degree by strangers on their arrival. It was generally stated and believed throughout the Province, though I do not know which what degree of authority, that it was the practice in the Surveyor General's office to put a fictitious name on favorable lots, in order that they might be reserved for some persons whom the persons doing this desired to benefit.

What has been the course of late years ?

I do not pretend to say. I have had nothing to do with the office for many years.

Were there any difficulties in the way of obtaining patents for these grants of land, or any unnecessary delay experienced in passing them through the different offices ?

I do not know that there was any more constant subject of complaint on the part of individuals against the Government, than the delays of office, especially in connection with the land granting. It frequently happened to myself, and I believe to others also, that during the time when free grants of lands of small amount were made to actual settlers, persons who had spent their money in waiting for completion of the grant, have applied to me for employment, while the patent was being perfected, and I have furnished it for a short period.

Do you know of any striking instance in which any individual was injured by the delay to which he was exposed in this respect ?

The most striking instance that occurred in my knowledge, was that of a man of the name of Burnes, who in Sir Perigrine Maitland's time having fallen in debt to some persons whom he had employed, was pressed by them for the money. All this time a patent was in progress through the office for him, he applied to his creditors to give him time till his patent was completed, which would enable him to raise money to pay them. The creditors were willing and waited for some time, but at last became impatient, and they arrested him, and he was compelled to go to prison. The patent had passed through the office, but he was compelled to remain in prison a fortnight, while the patent was sent over to the Governor for signature at his residence near the Falls of Niagara ; when the patent was obtained he at once obtained his release. I do not mean to represent this as a matter of ordinary occurrence, but as an illustration of the difficulties and delays of obtaining a patent under the most pressing circumstances.

Has it not happened that individuals applying for land have left the colony in disgust, at the difficulties thus thrown in their way ?

I cannot give any instance of it, and therefore cannot say that such was the case, but I believe that many instances of the sort have occurred.

What effect do you imagine has been produced upon the progress of settlement on the country by the profuse manner in which land had been granted ?

The progress of the country has not been as prosperous as it ought to have been ; the grants of land to actual settlers would have filled up the country, but these settlers were checked by the interposition of Crown



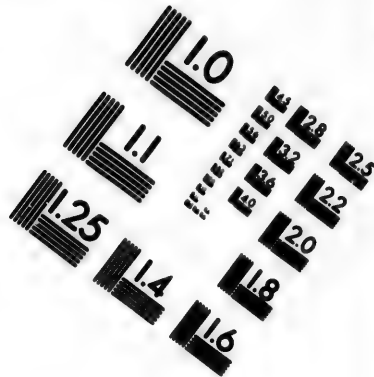
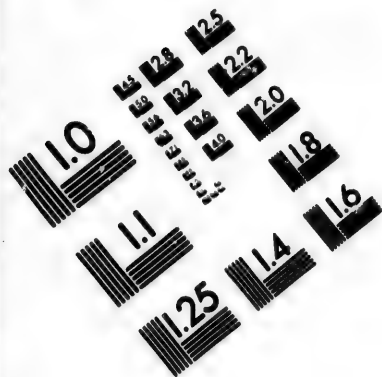
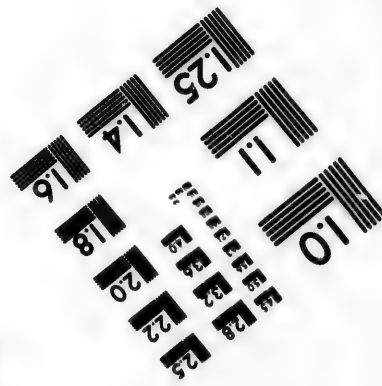
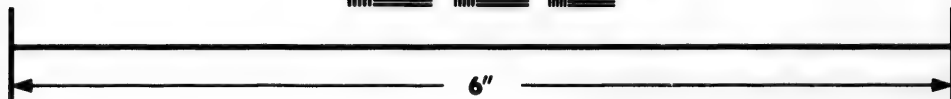
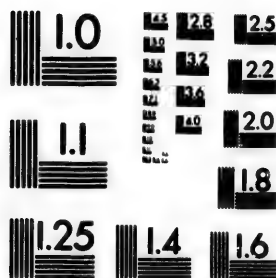


IMAGE EVALUATION TEST TARGET (MT-3)



Photographic Sciences Corporation

**23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503**



and Clergy Reserves, and of large tracts of granted, but unoccupied land. The Crown Reserves have been sold to the Canada Company.

Do you know if the evils that were formerly experienced from them, have been in any way diminished in consequence of the means adopted by that Company?

Of late years I have heard no complaints of Crown Reserves, and therefore would presume, that being blended with the Canada Company's land, they are included in whatever sentiment is expressed in reference to the proceedings of that Company.

The Clergy reserves still remain—what effect have they produced upon the prosperity of the country?

A very injurious effect indeed; they have not only retarded in the way I have observed, the settlement of the country, but they form an enduring subject of complaint, not only with regard to the agricultural interests of the country, but also to its political relations, so far as I have an opportunity of observing, no cause was more influential in producing the discontents, which ended in the last rebellion, than the existence of these reserves, and this was aggravated by the establishment of the Rectories. There will be no public tranquility nor confidence in the British Government as long as these Rectories are upheld, and the reserves appropriated to the support of one Church only. I do not believe that any appropriation of those reserves, which did not include every class of the community, would restore peace to the country. The apparent general wish of the community at large is, that they may be devoted to purposes of education.

You have referred in your answer to previous questions to the feeling entertained with regard to the Canada Company—what is the nature of the feeling?

It was felt in the first instance to be a violation of the rights of the Provincial Legislature, that the Imperial Parliament should have vested so large a portion of the lands in the hands of a Company over which neither the Provincial Legislature nor the Provincial Courts have any power. I believe the inconveniences which have been felt from the latter cause, have been removed by an act under the authority, of which the Company can be sued in the Provincial Courts.

Have there been any complaints that the power given to the Canada Land Company, by intrusting them with the superintendence, and with the settlement of 2,500,000 acres of land, has been exercised in a manner injurious to the Colony?

I do not know if such complaints have been made, but I am myself of opinion, and I believe it is an opinion which prevails extensively, that a Company which has obtained so large a tract of country, from the sale of which it is to derive profit, but in the improvement of which, as I understood, it has expended no money of its own, cannot be otherwise than injurious to the country, by taking from it large sums of money, for which it has given no consideration.

George Strang Boulton, Esq. M. P. P.

What have been your opportunities of observing the effects of the plans pursued by Government in the disposal of the waste lands, the property of the Crown in this Colony?

I have resided in the Province thirty years, I have a great deal to do with the lands of the Province, and am a large landholder myself.

What in your opinion has been the operation of the system pursued by the Government in the disposal of wild lands?

I think, that without any doubt, it has retarded very materially the settlement of the country; the plan of granting large tracts to gentlemen who have neither the muscular strength to go into the wilderness to cultivate it, nor perhaps the pecuniary means to improve their grant, has been the means of a large part of the country remaining in a state of wilderness. I think the system of granting land to the children of U. E. Loyalists has not been productive of the benefit expected from it, a very small proportion of the land granted to them has been occupied or improved from the following reasons, viz: a great proportion of such grants were to unmarried females, who very readily disposed of them for a small consideration, frequently from £2 to £5 for a grant of two hundred acres; the grants made to young men were also frequently sold for a very small consideration, they generally had parents with whom they lived, and were therefore not disposed to move to their grants of land, but preferred remaining with their families. I do not think one-tenth of the land granted to the sons and daughters of the U. E. Loyalists, has been occupied by the persons to whom they were granted, and in a great proportion of cases not occupied at all. Many persons have purchased very largely of these grants, I know of two instances in particular, where the purchase has amounted to twenty thousand acres. Grants to officers and soldiers, although intended as a benefit to the parties, have in many instances proved injurious to the country, as well as to the parties themselves. Very large grants have been made sometimes to officers, who had neither the inclination nor the means to settle upon their grant, or improve it, and it has either remained a wilderness in the hands of the original grantee for a great number of years, or has been sold for a trifle, and still remains a wilderness. The officers of the navy have in most instances proved valuable settlers, being better adapted to the improvement of land than officers of the army; the grants to officers have invariably been by an order from Home, by the late alteration in the law they have had the alternative of purchasing land from the Crown, on which they are entitled to a remission of purchase money according to their rank, or they may transfer their claim to the amount of remission money to some one else who may purchase land from the Crown, to the amount; in cases where they do not intend to settle upon the land, the latter has been a beneficial alteration, both to themselves and the country, as the Government saves so much land which would otherwise have passed out of its control, and would, probably, have remained altogether unimproved. The grants to privates has been particularly disadvantageous to the Colony, a great proportion of them were pensioners and infirm, and altogether unsuited to settle upon wild lands; they received in England four years pension, and a grant of one hundred acres on their arrival in this country; the greatest part of the money was spent in coming, and the land was in most instances of no use to them, as they were incapable of tilling it. Grants

of land have also been made to Clergymen, Lawyers, Surveyors, and other gentlemen, who had no intention of becoming settlers on it. Also in many instances large tracts have been granted to individuals who have contracted for surveys of townships, as a remuneration for surveying, which, in most instances, has remained a wilderness.

By all these methods I suppose it has happened that a very large proportion of the lands of the Province are now in the hands of individuals, who have made no improvement on them ?

That is the case.

What effect do you suppose is produced upon the prosperity of the Province, by this state of things ?

I think I stated before that the settlement of the Province has been very much retarded, and I also think we shall not have good roads or settlements in the Province, unless some measure is devised by which the proprietors of unoccupied lands should contribute more in the way of assessment upon their lands to the revenue of the country. I think the present assessment is a great deal too low, and might with great justice to the land-holders be increased.

You contemplate, I suppose, that the produce of such increased tax, should be specially applied to the improvement of the country, by opening roads, and encreasing the means of communication ?

I do ; I think also in connection with such a measure that it is very desirable to have a commutation of statute labor upon roads, which with the other funds just mentioned, would afford ample means for making good roads. It is discouraging to British emigrants coming to the country, and visiting their friends in the interior of it, to find the roads so exceedingly bad and even dangerous, and this alone sometimes deters them from settling in the country.

And I suppose it would be in a high degree unwise on the part of such emigrants, to settle in some parts of the interior, on account of the impossibility, under the present system, of having good roads ?

I think so.

In addition to the land which has been granted to private individuals, and which remains in a state of wilderness, there has been large appropriations for public purposes, such as the support of the Protestant Clergy, and the endowment of the university and schools ; have you any idea whether any, and what proportion of the land thus appropriated has been improved ?

I think nearly all the Clergy reserves in the settled parts of the country have been taken up and improved.

These however have been sold, have they not, under the Act authorizing the sale of a portion of the Clergy Reserves ?

A large portion of these have ; some are now under lease. A large proportion of the lands granted for the universities have also been sold, and are now in the course of improvement. The terms adopted, both for the sale of the Clergy Reserves and university lands, seem favorable to intending settlers, many of them have been purchased by emigrants from the mother country. I do not consider that the Clergy lands or university lands have impeded the settlement of the country, inasmuch as they have been purchased or leased when sought after, and have afforded to the British emigrant frequently an opportunity of procuring a lot of land in a settled part of the country near their friends, when otherwise they

might have been discouraged by the prospect of going into the wilderness, and abandoned the country.

But in order that this result should be produced, the lot in question must have previously been reserved from settlement?

Though reserved, it was frequently occupied under lease, and persons holding lands under lease, generally disposed of their interest in it upon more advantageous terms than land could be obtained from other individuals. Land generally reserved for the Clergy and university, could be obtained with more facility than land granted by the Crown to private individuals, not under cultivation. Land can be obtained from the university with greater facility than either from the Crown or private individuals.

What effect do you suppose has been produced upon the settlement and prosperity of the country by the disputes which have arisen between the different religious sects in the country, as to the appropriation of the produce of the Clergy Reserves?

One effect has been great injury to the Church of England. I do not think that emigrants coming out from the mother country, know any thing of the subject before their arrival in the country, or are influenced in any way in determining to settle in the country by this question. I think a great deal of the ill feeling has arisen from bad management, in many instances the rents of these reserves have been lost, there has been no efficient management, no one of late years seems to have had the control of them.

Has not the system of free grants of land, the effect of which you have described been abandoned, and a system of sale substituted in its place?

Land is no longer granted to private individuals, having no particular claim, such as that of officers and the U. E. Loyalists.

Then all those who have such particular claim can obtain lands upon the same terms as formerly?

They can substantially, though there has been an alteration in this respect, viz: officers are now entitled to a remission of purchase money in proportion to their rank, instead of a grant of land, and the children of the U. E. Loyalists, instead of taking their grants of land, may transfer their right to another person, and such person purchasing land of the Crown is entitled to a credit of £40 for every claim.

But with these exceptions no land can be obtained without purchase?

No, it cannot.

Are the present regulations for the sale of Crown lands, in your opinion, calculated to advance the settlement of the country?

I think that the present regulations are an improvement on the old system. I have formerly heard numerous complaints of the delay in obtaining land from the Crown, there was a great deal of expense and difficulty in ascertaining what land was open to purchase; they had to apply to various officers—if a Clergy reserve they had to apply to the Surveyor General's Office, and the Office of the Corporation, as well as the Commissioner of Crown Lands; and frequently on being informed that a lot was vacant, and after inspecting it, they have discovered there was some insuperable difficulties to obtaining it, and had to look out for another lot, or purchase of an individual. Formerly at the sale of Crown Lands only particular lots were set up, so that many lots which might be vacant were not offered for sale. There was also formerly both delay and expence in obtaining a title to land purchased of the Crown; it was

generally necessary to employ an Agent for the purpose ; by the present system, however, a schedule of all the vacant lots is to be transmitted to an Agent, to be appointed in each district, by the Commissioner of Crown Lands, and all such lots as are returned in the schedule will be open for sale in the district where the land lies ; all vacant lands belonging to the Crown are now without any reserve open for sale in this manner, and immediately upon the payment of the whole of the purchase money, the purchaser is entitled to have his patent forwarded to the Agent of the district, free of expense.

Henry Hyndman, Esq. of the township of Colborne, in the county of Huron, London District.

How long have you resided in this country ?

I arrived in May 1834, and immediately proceeded to Goderich, and from there to my present residence, which is within three miles of the town, and in the heart of the Canada Company's Huron tract.

Have you any particulars to communicate to this commission as to the manner in which the Canada Company have settled their lands, and the effect produced upon the prosperity of the settlers by their proceedings ?

I conceive that the management of the Company is not of a description to induce settlers to come to their lands, and that it has materially retarded the prosperity of the country and its advance in population ; their agents do not conceal their opinion that the old settlers are not the object of the Company's solicitude, but that their great business is to attract new ones, and they act upon this principle in what appears to me the most unjustifiable manner. Induced by the representations contained in the publication issued by the Company, and by the statements of the agents, I took land from the Canada Company in 1834, and purchased eight hundred acres of land in one block, upon which I am now settled, but I have found that the promises and inducements held out by their agents, their advertisements and their publications, are very far beyond the reality. The land that I purchased, was to the north of the river Maitland, on the south bank of which is situate the town of Goderich. On the plan which was shown to me by the Company's agent, the original of which is deposited in the Surveyor General's office, there was laid down a bridge across the Maitland, and various lines of road and it was generally understood among the residents in the neighbourhood, upon the faith of this plan, and asserted by the officers of the Canada Company, that the bridge in question would be built, or at least commenced, in the course of that summer. Fully impressed in the belief that this would be the case, and that the lines of the road as laid down on the map would be opened, I selected land upon the main line of road from Goderich to the Government land in the north, communicating with this bridge ; this was in 1834, the bridge is not yet finished, and was not actually commenced till this spring ; and I do not believe there can be any means of communicating by it this year.

Is this bridge of importance to persons settled on the north of the Maitland ?

We have no certainty of being able to cross the river without it, except in winter, and then we cross the river on the ice at the mouth of the harbour. The commissioners too, since the bridge has been commenced, have refused to open a road on the north side of the river, to unite the bridge with the road leading through the township ; during a considerable part of the year we can neither take our produce to market nor obtain goods. I have known the river absolutely impassable, either on horseback or on foot for three days together ; in fact it is scarcely possible to describe the inconvenience to which we have been, and are exposed to, for want of this bridge. In addition to this neglect of the company to fulfil what was certainly an implied, if not an express contract, I have to complain of a positive infraction of a similar engagement. I have mentioned that I purchased land upon the

main line of road from Goderich to the north, and other settlers did the same, when, however, contracts were given out for the lines of road through the township, they entirely deviated from the great lines as laid down on the map, along which, upon the faith of the map, settlers had established themselves, and were to be carried through the least settled parts of the township. When I stated this to Mr. Jones, the Company's Commissioner, he stated broadly that the land through which the great lines were laid down according to the map, were all taken up, and the Company had no further interest in them, and it was their object to attract new settlers. Mr. Jones made a similar statement in a letter on the subject of the bridge. When giving a reason why the Company did not make it at once, he mentioned that they had little interest in that township, having disposed of nearly all their land in it. A portion of the road offered to be contracted for, passed where no road was laid down in the map, the remainder passed along lines of road that had been laid down, but which were laid down as concession roads and side lines. I applied to Mr. Jones to change the line in such a manner that I might reap that advantage from it, which I had contemplated in making my purchase, to which he at last agreed, but on condition that I executed two miles and a half of road at the price of two miles, for which I was to be paid in land.

Are the Company then in the habit of disposing of their lands in this way, and not for money?

Yes, they frequently pay for similar works in land; in some cases contracts of this nature taken by persons who have previously purchased land of them, and upon which all the instalments have not been paid, and their labor goes in payment of their instalment, the Company almost always fixing the rate; this has been the case with myself, in such cases it is productive of no inconvenience, but when the work is taken by mechanics and others living in the town, large quantities of land get into their hands by this means, and they do nothing to improve it.

This applies, I suppose, to the work performed at the expence of the Company?

Quite the contrary.

Do I then understand you to say that in those works which the Company are entitled to pay for out of the third of their purchase money, they pay in land, and retain the money in their own hands?

Such is the case, at least with the greater part of such works. In the contract which I have taken, which is to be paid for out of the purchase money, the whole is to be paid in land, and this is part of a contract of upwards of twenty miles, all of which is, I believe, to be paid for in the same way.

At what rate per acre is the land valued?

It varies from two to three dollars.

Is this land, so to be taken, wild land?

Yes, it is.

In the same state in fact as when it was purchased from Government?

Yes, the land is in the same state, but it has the advantage of a population and leading roads, the expense of making which roads is, however, charged to the Government.

What is the price per acre which they pay to Government?

Less than three shillings.

So that they require their contractors for this Government work to take

land at fifteen shillings per acre, for which they are paying three shillings, or one-fifth ?

They do, with regard to the manner in which the company have performed their contracts with Government, and thus procured the advantages to the colony, which were held out as the inducement to grant them a charter, I may state that the objects referred to in the charter to which one-third of the purchase was to be applied, were, I believe, for I speak now from memory, not having the charter at hand, making roads, building bridges, erecting wharves, piers, churches, school houses, mills, &c. two good roads have been formed, leading from Wilnot and London to Goderich. No bridges have been built, excepting those in the line of the roads, neither wharves nor piers have been built, (the harbour at Goderich is erected under a Provincial Act, authorizing the levying of dues,) there are no churches; they have however contributed something towards the erection of a presbyterian church at Goderich, and another place of worship at the distance of about thirteen miles from that; they have also contributed in a small degree to the erection of a school in Goderich, and another at Stratford upon Avon. There are but four mills in the whole Huron tract, only one of which, that of Stratford upon Avon, is sufficient to supply its neighbourhood with flour.

, and other
out for the
from the great
the faith of the
carried through
to Mr. Jones,
the land through
map, were all
them, and it was
similar state-
giving a reason
that they had
ly all their land
passed where
d along lines of
as concession
the line in such a
had contempla-
out on condition
of two miles,

r lands in this

some cases con-
purchased land
a paid, and their
almost always
n cases it is pro-
y mechanics and
their hands by

expence of the

which the Com-
ase money, they

works. In the
of the purchase
f a contract of
paid for in the

n Government ?
stage of a popu-
pads is, however,

ment ?

ment work to take

William Benj. Robinson, Esq. M. P. P.

You are I believe a native of this Province ?

I am, and have always resided in it.

You are acquainted with the townships bordering on Lake Simcoe, to the eastward ?

I am.

Can you state what is the population of these townships ?

Not exactly, but they are very thinly settled.

What is the state of these townships as to their internal communication ?

The roads are very bad, probably among the worst of the Province, the soil being very rich, and the land level.

Does not this state of the roads tend very much to retard the progress of settlers ?

It certainly does more than any other cause.

Do you know if much of the land in these townships remains in the hands of Government or of the Clergy corporation ?

I think not, with the exception of Clergy Reserves.

Then the land is for the most part owned by non-resident proprietors ?

Yes, but the non-residence of many of the proprietors, is attributed to the badness of the roads, many of those who had settled there having been compelled by this cause to abandon their locations.

What public funds are there available for the improvement of the roads ?

None now, with the exception of one-third of the wild land assessment tax in each township. Special grants of from £30 to £100 sterling for each township, have in former years been granted by the Legislature for the improvement of the roads ; in addition to these, there is the statute labor required by law. These funds, though inadequate, have still effected considerable improvements ; since the land tax has come into operation there has been a very perceptible improvement.

Are these evils which you describe, peculiar to these townships, or do they affect the Province generally ?

They are generally felt throughout the Province.

Has any plan suggested itself to your mind by which an effectual remedy might be applied to these evils ?

I have for many years given the improvement of roads great consideration, and would suggest, 1st. That the whole of the wild land tax should be appropriated to the improvement of roads. 2nd. A general commutation of statute labor. 3rd. An uniform and improved system of spending the funds thus produced on the roads, under the superintendence of competent persons.

Do you imagine the produce of the present land tax and the other resources mentioned by you, would under any management, be sufficient for the objects to which you would have them applied ?

I think they would with occasional small grants from the Legislature for such works as bridging extensive swamps, &c. These remarks apply generally to the roads throughout the Province, but leading roads and thoroughfares, can in my opinion be kept in proper repair, only by a toll upon the traffic upon them.

Charles Shirreff, Esq. of Fitzroy Harbor, Upper Canada, further examined.

You are the owner of a considerable tract of land in the township of Fitzroy ?

I am, of nearly 6,000 acres.

In what manner was this land obtained ?

On my arrival in this country from Scotland, in 1819, I brought with me an order addressed to Sir Peregrine Maitland, at that time Governor of the Province, directing a grant to be made to me of 3,000 acres of land ; the remainder has been acquired partly by grant and partly by purchase.

Was this grant of 3,000 acres subject to any conditions ?

To the usual conditions of settlement, that is of clearing a certain portion of land before the patent issued, and it was not until after performing these duties that I obtained my patent.

Fitzroy Harbor was at that time, was it not, considerably above any settlement on the Ottawa ?

It was nearly thirty miles.

What was your inducement for locating yourself at that distance from any settlement ?

It was partly because I was enabled to obtain my land in block, and partly because on account of its position, and possessing water privilege, it appeared a desirable place for the formation of a settlement, which was one of the objects I contemplated in applying for so large a grant.

Did the settlement of the township of Fitzroy proceed with rapidity ?

No ; its settlement was greatly retarded in consequence of the greatest part of the best land in the township having been given away by the Land Board at Brockville, to persons who were the holders of militia claims, and were themselves settled in other parts of the country ; but for this circumstance the township must have settled with rapidity, as the land in it is generally good, and its position on the Ottawa affords great facilities for sending produce to market.

Were no precautions taken to prevent so large a portion of any township being taken up in this manner by persons who made no attempt to settle ?

As soon as I was aware of the fact that the land in this township had been so taken up, I applied to Major Hillier, Secretary to the Governor, complaining of the injury that would be inflicted on the township, by this manner of disposing of the land, and he assured me that positive instructions had been given, that no more than one-third of any township should be disposed of in this manner, and therefore that the Land Board must have exceeded their authority. As however the grants had been made the mischief was beyond remedy. The settlement of the township was however for many years almost stopped, and is still greatly retarded by this circumstance, and townships in the rear of this with no better quality of land, and the settlement of which was begun at a later period, are at the present time thickly settled, while hardly a fourth of Fitzroy can be considered as settled.

But these absentee holders are, I presume, ready to dispose of their land to purchasers upon reasonable terms ?

This is the case sometimes, but generally when they can afford to hold their lands, they are reluctant to sell, under the impression that some improvements will be made in the navigation of the Ottawa, which would give a greatly increased value to lands of the township.

What effect has the state of things which you have been describing, produced upon the state of the roads in the township?

The small number of settlers in the township have been quite unable to make, I will not say good, but even passable roads, during a considerable portion of the year, and owing, I presume, to the scanty population of this part of the country, which prevent them from having any influence in the Legislature, the grants for the improvements of the roads in that part of the country have been very small even in comparison with those in other parts of the country, where a similar necessity did not exist to any thing like an equal extent. In consequence of this state of the roads, the settlers in Fitzroy and the neighbouring townships frequently take their grain to mills a considerable distance, although there is a mill in the township, to which they would more naturally come, if they were able, and the prosperity of the settlers is greatly retarded by the circumstance.

Is the township of Fitzroy, the only township bordering on the Ottawa, in which a state of things such as you have described exists?

I do not know of any other townships which were granted in this way to militia claimants, but in all the townships between Bytown and Montreal, the lands fronting on the Ottawa have been shut up by old military grants, the proprietors of which are absentees, and the land still a wilderness. In this way settlement has been forced up at least 60 miles to places where land still remains in the hands of Government, and is open for location.

I presume too that the lands fronting on the river, being in this manner withheld from settlement, must virtually shut out from settlement, a considerable tract of land in the rear?

Yes, such has actually been the case.

What in your opinion would be the effect of such a tax upon the wilderness land, as would make it the interest of these holders of wilderness land, to improve it or dispose of it to actual settlers, and the whole produce of which should be specifically applied to improving the communications, and facilitating the settlement of the country?

The effect of such a tax would be in my opinion to cause a very rapid settlement of the lands upon the banks of the Ottawa, which would naturally spread back upon land at present locked up from settlement by these unoccupied grants, and would tend very generally to develop the resources of the country. The population of Fitzroy, the greater part of which is settled upon my grant would be at this time probably threefold had such a system been pursued.

Has any injurious effect been produced in your township by the reserves for a protestant clergy?

I am not aware that there is any injurious effect since these reserves at first formed only a portion of the wilderness appropriated land, and they have been practically more open for settlement than land which has been granted to private individuals.

Then a portion at least of the Clergy Reserves in the township of Fitzroy have been disposed of?

They have.

The settlement of that township was begun 19 years ago?

It was.

What is the present population of the township?

About 1100.

To what religious denomination does the population chiefly belong?

They are chiefly Presbyterians from Scotland and the north of Ireland. Have any part of the proceeds of the Clergy Reserves been applied in providing religious instruction for the inhabitants of the township?

No not in any way.

Does the appropriation of so large a portion of the lands of the township to a purpose from which the inhabitants have received no benefit, produce any feeling of discontent?

I am not aware that it does, further than the general feeling that these reserves should not be appropriated to the support of one church only.

From the evidence given to this commission by Mr. Radenhurst, Chief Clerk in the Surveyor General's office, it appears that there does not remain at the disposal of the Crown, in the surveyed districts, more than about 1,500,000 acres, have you from any circumstances been led to form any opinion as to the quantity of land available for settlement in the unsurveyed parts of the Province?

In addition to a block of land situated to the north of the Canada Company's Huron tract, and which must contain from two to three million acres, there is a large unsurveyed tract between Lake Nepissing and the ridge which runs in a North East direction, from Lake Simcoe, which would contain probably from five to seven millions of acres of good land. I have been particularly led to turn my attention to the latter tract of land, in consequence of my having for several years been engaged in endeavouring to carry into effect a plan for making a navigable communication between Lake Huron and the Ottawa, and improving the navigation of that river. Were this effected this latter large tract of land would be opened for settlement, and would be nearer to England than any part of Upper Canada, to the west of Lake Ontario. In addition to rendering accessible for the purpose of settlement, this large tract of valuable land, the plan to which I have referred would make Upper Canada the outlet for the increasing trade of the fertile regions of the North West portion of America, which it would at once bring five hundred miles nearer the ocean, and would secure to Montreal and Quebec the larger portion of the trade of that region.

From the accounts which you have received, do you imagine that the tract of land in question, is by the circumstances of soil and climate, fitted to maintain a large agricultural population?

From the report of my son, who travelled through this part of the country, with a view to discover a navigable communication to Penetanguishene, by order of Colonel By, in 1829, and also from traders who have traversed that region in almost every direction, and who concur in expressing the same opinion. I have no doubt that the soil is sufficiently fertile for all agricultural purposes, and the climate and situation healthy. I have no doubt that to the westward of Lake Nepissing, even to Lake Superior, the country is perfectly fit for settlement, and agriculture. In fact to the north of what has as yet been considered the boundary line of Upper Canada, I have no doubt that an agricultural population of several millions might be most advantageously settled.

The Honorable and Venerable *John Strachan*, D. D. Archdeacon of York.

How long have you resided in this country ?

Thirty-nine years.

You are, I believe, a member of the corporation for the management of Clergy Reserves ?

I am, but that corporation has not met for the last four years, and never had any power, but that of leasing Clergy Reserves, subject to the approbation of the Governor in Council.

Of what do these Clergy Reserves consist ?

They consist of a portion equal to one-seventh of the granted lands in this Province, and they amount to about two and a quarter millions of acres.

A portion of these reserves have, I understand, been sold under an Act of the Imperial Parliament, has this sale been conducted in any manner to effect injuriously the interests of the Clergy ?

I can hardly say it has been, the commissioners on the whole have acted fairly.

Have there not been very frequent complaints of the injurious tendency of these reserves, as regards the prosperity and improvement of the Province, by interposing blocks of wild lands among the settled parts, thus impeding the means of communication, and of transporting produce in the country ?

Such complaints have frequently been made, but I believe unjustly. From my inquiries a few years ago, on the occasion of the attempted sale to the Canada Land Company, I found a greater number of inhabitants in proportion, on the Clergy seventh than upon the granted lands of the Crown, as they offered facilities to settlers which cannot otherwise be obtained.

Has the reserve of this portion of the lands of the Province for the support of the Clergy of one denomination produced any, and if any, what state of feeling adverse to the peace and tranquility of the Province ?

For the last eighteen years, a question has been raised by the ministers of the Kirk of Scotland, claiming an equal right in the reserves with that of the Church of England ; this has excited a great deal of trouble, because all denominations joined the Kirk of Scotland, in the hopes of obtaining a share, as they contend, that if the Clergy Reserves are not given to the Church of England exclusively, they have all an equal right.

But am I to understand that in your opinion, if these reserves were given to the church of England exclusively, all denominations, with the exception of the Kirk of Scotland would be satisfied, and the troubles which have been occasioned by the agitation of this question put an end to ?

Had the Imperial Parliament, at an earlier period given a firmer decision upon the subject, or had the true meaning of the Imperial Act been settled by a judicial proceeding, little or no excitement would have been raised in the Province by any denomination whatever, excepting the Kirk of Scotland ; but leaving the question unsettled, it has gradually acquired greater and greater importance, and from the opinions respecting the intention of the Act given by the Crown lawyers, in 1819, and by a Committee of the House of Commons, in 1828, neither confirmed

. Archdeacon of

the management

four years, and
erves, subject to

granted lands in
arter millions of

en sold under an
onducted in any

the whole have

ne injurious ten-
improvement of
the settled parts,
ransporting pro-

believe unjustly.
f the attempted
number of inha-
pon the granted
rs which cannot

Province for the
, and if any, what
ne Province?

ed by the minis-
in the reserves
a great deal of
Scotland, in the
Clergy Reserves
hey have all an

so reserves were
ations, with the
and the troubles
question put an

ven a firmer de-
he Imperial Act
ment would have
tever, excepting
, it has gardually
pinions respect-
s, in 1819, and
ither confirmed

by any judicial proceeding, hopes have been raised among the members of the Kirk of Scotland, and among all denominations (not even excepting the Roman Catholics) that the provision set apart for the Protestant Clergy, by the Constitutional Act, would be entirely broken down and distributed among all parties.

And disappointment would tend to endanger the peace of the country?

It does not appear to me that a grave and constitutional proceeding upon the subject would create any great excitement in the Province other than disappointment, where a great interest affecting a number of people is involved. It has always been my opinion since the question of reserves was agitated, that it should be referred to the Imperial Government, in whose decision, I have always believed, and still believe, there would be a general acquiescence.

Reverend Egerton Ryerson, Minister of the Wesleyan Church of Toronto.

How long have you resided in this Province ?

I am a native of this Province, and have resided here the greater part of my life.

You are a Minister of one of the most numerous and influential denominations of Christians ?

Probably the most numerous.

You must have had many opportunities of knowing the general feeling, both religious and political, of this Province, and the circumstances that have affected its prosperity and tranquility ?

From my long residence and extensive acquaintance with the inhabitants, I have had such opportunities.

What in your opinion has been the effect of Clergy Reserves considered only as a means of withholding a large portion of the country from the acquisition of settlers and then keeping it waste ?

I think they have tended very materially to impede the settlement and improvement of the Province in these respects ; by being interspersed among those parts which were open for settlement, they exposed the settler to great inconvenience in making roads, and they reduced the value of the neighbours farms by their remaining in a wild state. It is true, I understand, they might be obtained on lease, but in general settlers would not occupy Clergy reserves, when they could obtain land in fee simple.

Do you imagine the appropriation of Clergy Reserves to the support of a Clergy of one demonination exclusively, has produced any effects injurious to the peace and tranquility of the Province ?

I think the peace of the Province has been and is most seriously affected, and that it must continue to be so, as long as the cause is allowed to remain ; the vast majority of the inhabitants are opposed to this appropriation of the Clergy Reserves, and their numbers and the strength of the feeling upon this subject, are constantly increasing. There has perhaps been no period at which the dissatisfaction arising from this cause was greater than at the present period.

In what manner should you be disposed to recommend, that these reserves should be appropriated in future, with a view to prevent the continuance of such a state of feeling as you have described ?

I should recommend that they should be appropriated entirely to educational purposes, and this I believe to be the general opinion of the Province. I do not see any prospect of a peaceful adjustment of the question in any other manner, there would probably be found insurmountable difficulties in the way of division amongst different sects, and the feelings of a large portion of the community would be altogether opposed to such an application of the funds which they might produce.

Reverend William Turnbull Lynch, a Minister of the Church of Scotland, Toronto.

How long have you resided in this country ?

I came out in 1832, and have been in this country since then, with the exception of six months spent in England.

What have been your opportunities of ascertaining the state of feeling in the country, and the causes which have effected its tranquillity and prosperity ?

In addition to the general opportunities which occur during a six years residence in the colony, I was engaged for fifteen months as missionary, and during that time I travelled extensively through the Province.

What in your opinion has been the effect produced on the prosperity of the Province by the existence of the Clergy Reserves ?

I am not of opinion that they have acted injuriously with regard to the cultivation of the country, or that they have affected injuriously the interest of the community certainly not in the settled districts, though they may have done so in the back settlements.

What effect has been produced with regard to the peace and tranquillity of the country by the appropriation of the Clergy Reserves for the benefit of one religion only ?

I believe it has been one of the chief causes of dissension and dissatisfaction, and to have tended materially to produce the late unhappy disturbances, nor do I think tranquillity will be restored until the present destination of those lands is changed.

What course would you from your observation of the state of feeling in this country upon the subject be disposed to suggest for the future disposal of these Clergy Reserves ?

I should recommend an equal division among the leading Protestant sects, Episcopalian, Presbyterians of the Church of Scotland, and the Methodists ; at the same time, it may perhaps be advisable that the Roman Catholics should not be omitted in the distribution, though their numbers seem to me not so considerable as to require an equal portion. It would be altogether contrary to my principles, but I believe that an appropriation of the Clergy Reserves for educational purposes only would give satisfaction to the great mass of people, though not to the most influential class of this community.

The Reverend *Robert Hill Thornton*, Minister of a Presbyterian Congregation in Whitby, U. C. in connection with the United Secession Church.

How long have you been a resident in this Province ?

I have resided here since July, 1833.

What opinion have you been led to form during that period of the operation of the system of Clergy reserves, as regards both the prosperity and tranquillity of the Province ?

I think that they have been one of the greatest barriers to the prosperity of the Province, they stand in the way of roads and other public improvements, and impede the operations of the settlers in the neighbourhood of such lots. In many cases these lots intervene between the settlers and mills and markets, and the roads through them must remain unmade, or be made with great sacrifice by the poor settlers in their rear, in fact it keeps them poor, for I have known instances where persons might have brought their grain to a good market, but for this state of roads, and where as it is they are compelled to wait till the frost has formed a road when can bring out some small portion of their produce.

But the Clergy reserves are not, I presume, the only lands which are thus kept waste to the injury of the settlers, and the retarding the advance of the Province ?

No any large block of land would have the same effect, but the injurious effects of the Clergy reserves are most felt in the settled part of the country. These reserves have been a constant subject of irritation throughout the Province, and their disposal has frequently been brought before the House of Assembly. In fact it is impossible to describe the interest which has been excited upon the subject, whenever it has been under discussion, the people anticipating a final adjustment of the matter. The constant agitation of this topic has produced a very injurious effect upon the feelings of the country. Anticipating a division of this property among different sects, they have become more embittered towards each other, and this bitterness has been transferred to general politics. Since I have been in the Province I have marked public opinion changing upon the subject ; at first the general opinion appeared to be that it should be divided among all religious sects, but latterly there has been a preponderance of feeling in favor of its appropriation to purposes of general benefit, such as education, &c. One main cause of this change of opinion has been that the people have become more alive to the miserable state of education throughout the Province, and the growing conviction among people well disposed to religion, that however liberally a Priesthood may be endowed, they can do nothing effectual without an educated people. There is in fact not the slightest chance of tranquillity in the Province, so long as this question remains unsettled, it has made almost every man in Canada a politician, and all alike declare that there can be no peace until the Clergy Reserve question is settled. I do not wish to be understood as representing this feeling as unanimous throughout the country, but I believe it to be decidedly the preponderating feeling.

Reverend *William Stuart*, of Brockville, Minister of the United Synod of the Presbyterian Church of Upper Canada.

How long have you resided in this Province?

Twenty-eight years.

What have been your opportunities of ascertaining the operation of the system of Clergy Reserves upon the prosperity of the Province, and the feeling with which that system is regarded by the inhabitants?

From my long residence in the country, and general acquaintance with every part of the Province, having travelled as a missionary over the whole of it, I have had very extensive opportunities of observing the effects of the system upon the prosperity of the country, and the sentiments with which it is regarded.

You have heard the evidence of Mr. Thornton, do you concur in the opinion which he has expressed upon this subject?

Decidedly.

Are there any circumstances that you would wish to state in addition?

I should desire to state that, the body with which I am connected would be generally perfectly satisfied with the appropriation of the Clergy Reserves for the purpose of general improvement; but in the case of a division, they would require that the proceeds should be equally divided among all sects alike.

Reverend John Roof, Minister of the Congregational Church, Toronto.
How long have you resided in this Province?

I have lived here a year.

What have your opportunities of acquiring information been?

I am Agent for the Colonial Missionary Society, and am therefore called upon to spend a great deal of time in travelling, to visit churches of our order, throughout the Province.

What has been the effect of Clergy Reserves in your opinion as regards the settlement and cultivation of the Province?

I am unable to speak from my own experience, but I have heard almost every where complaints of the evil which they have occasioned in this respect; persons have been prevented from settling in the neighborhood of Clergy Reserves, because they would have to make roads round them to get to their own property, and because they afford a retreat to wild beasts, and in this way I believe them to have operated most injuriously.

What effect has been produced on the peace and tranquillity of the country, by the appropriation of the Clergy Reserves, to the use of the Church of England only?

It has produced a great deal of bitterness towards the members and clergy of the Church of England, and has been the cause of dissatisfaction and distrust of the Government.

What course would you adopt in the future disposal of Clergy Reserves?

I should recommend that they should be entirely appropriated for the purposes of education, I believe this is the general opinion, but in failure of this measure, I would rather see them re-invested in the Crown, than divided among the different religious sects.

The Right Revd. *Alexander McDonell*, Bishop of Regiopolis.

How long have you resided in this Province ?

For 35 years.

You are I believe the head of the Catholic Church in this Province ?

I am.

What in your opinion have been the effects produced upon the peace and prosperity of the Province of Upper Canada, by the application of the Clergy reserves, to the exclusive support of the Clergy of one denomination ?

The effect of it is to have raised a very great agitation among people of all classes, and especially the Presbyterians. I do not imagine it possible that the agitation thus produced, can subside until the question is settled one way or the other.

But do you imagine that the agitation thus produced would be allowed to subside, if the question were determined in favor of the Church of England ?

I am sure that it would not, it would on the contrary be increased, and could not fail to produce a general discontent in the Province. I think that the only way in which the question could be settled with safety to the Province, is by their being allowed to revert to the Crown, and in this I think all parties would agree.

APPENDIX TO EVIDENCE FOR UPPER CANADA.

No. 1.

STATEMENT of the Surveyed Lands in the Province of Upper Canada, of the Clergy Reserves, granted or appropriated, and vacant lands.

District.	Contents.	Clergy Reserves.	Granted or appropriated.	Vacant.	Remarks.
Eastern,	779480	104791	673315	1374	{ 80,250 acres Indian Land.
Ottawa,	709720	97327	523069	89324	
Johnstown,	1021000	141646	864964	14390	
Bathurst,	1165900	157283	696995	311622	
Prince Edward,	213800	26200	187600	..	{ 2,600 acres Indian Land.
Midland,	1841002	248856	1232126	360020	
Newcastle,	1970600	273660	1320740	376200	
Home,	2879900	413333	2105677	355890	
Gore,	1180400	146940	1030781	2679	{ 257,000 acres Indian land in these districts. 42,000 acres Co. in Gore dis.
Niagara,	564100	25450	537580	1070	
Talbot,	383200	52400	330700	100	
London,	1655400	238019	1349731	67650	
Western,	1617500	211240	1389560	16700	{ 20,360 acres Indian Lands. 87,500 acres Indian Land.
	15982002	2142145	12242838	1597019	
Deduct for roads,	450000				
	15532002				
Indian lands S. of Dundas str. }	318000	96400	318000		{ Cly. Res. for the Six Nations Indians in Gore district. Clergy Reserves taken in the Huron tract.
	1100000	157142	1100000		
	16950002	2395687	13660838		

Surveyor General's Office,
Toronto, U. C. 22d. Sept. 1838. }

CANADA.

f Upper Canada,
vacant lands.

Remarks.

{ 80,360 acres Indian
Land.

{ 2,600 acres Indian
Land.

{ 257,000 acres Indi-
an land in these dis-
tricts. 42,000 acres
Co. Co. in Gore dis.

{ 20,360 acres Indian
Lands.

{ 87,500 acres Indian
Land.

{ Cly. Res. for the
Six Nations Indians
in Gore district.

{ Clergy Reserves
taken in the Huron
tract.

67

No. 2.

A STATEMENT of the quantity of land, described, located, or for which
authorities are lodged in the Surveyor General's Office, in favor of
U. E. L. and Militia claimants.

U. E. Loyalists.

Acres unlocated.	Acres located.	Acres described.	Total.
321950	150800	2734239	3206989

Militia Claimants.

204332	124376	402001	730709
--------	--------	--------	--------

Surveyor General's Office,
Toronto, 22d Sept. 1838.

No. 3.

A Return of the number of acres of Crown Land granted from July, 1804, to January, 1819, under the Regulations of the 6th July, 1804, subject to the payment of fees.

Total—388,263 acres.

Surveyor General's Office,
Toronto, 10th Oct. 1838.

No. 4.

A Return of the number of acres of Crown Lands granted under the Regulations of the 1st January, 1820.

Total—72,228 acres.

Surveyor General's Office,
2d October, 1838.

No. 5.

A Return of the number of Acres of Crown Lands described for patent during the time Settlement duty was in force, namely from the 14th November, 1818, to the 1st July, 1835.

Total—2,078,487 Acres.

Surveyor General's Office,
Toronto, 10th October, 1838.

No. 6.

A Return of the number of Acres of Government Land for which descriptions have issued since the 1st of July, 1835, the period at which Settlement duties were dispensed with, on Grants to U. E. Loyalists and Militiamen.

Total—1,062,300 Acres.

Surveyor General's Office,
Toronto, 4th October, 1838.

No. 7.

A Return of the number of Acres of Crown Lands granted under the Regulations of 1825, (without purchase.)

Total—15,100 Acres, being under the Quit Rent system.

Surveyor General's Office,
Toronto, 10th October, 1838.

N. B.—The original Grantees under this regulation on application to the Lieutenant Governor in Council, now receive their patents on payment of the fees of 1804; the Regulation itself has become obsolete.

No. 8.

Return of the number of Acres of Land granted to discharged Soldiers and Seamen.

Previous to 31st December, 1825—112,200 Acres.

Subsequent to 31st December, 1825—337,200 Acres.

Surveyor General's Office,
Toronto, 16th October, 1838.

No. 9.

Return of the number of acres of Crown Land granted to Magistrates and Barristers.

Total—255,500 Acres.

Surveyor General's Office,
Toronto, 15th October, 1838.

No. 10.

Return of the number of acres of Crown Land granted to Clergymen of different denominations.

Sect.	No. of Acres.
Church of England,	29,200
Presbyterian,	3,000
Roman Catholic,	4,700
Total—Acres	36,900

Surveyor General's Office.
Toronto, 15th October, 1838.

No. 11.

Return of the number of Acres of Crown Lands granted to Executive Councillors and their families.

Name of the Grantee.	No. of Acres.	Date of the Orders in Council.
Hon. Alexander Grant,	6000	10th July, 1793, and July, 1799.
Family of Alex. Grant. { Alexander Grant, Jun.	1200	21st August, 1796.
{ Bella Grant,	1200	
{ Archange Grant,	1200	
{ Phillis Grant,	1200	
{ Theresa Grant,	1200	
{ Betsey Grant,	1200	
{ Nelly Grant,	1200	
{ Nancy Grant,	1200	10th June, 1797.
{ Mary Grant,	1200	
{ Mrs. Theresa Grant,	1200	
Hon. Peter Russell,	6000	17th Oct. 1792, & 1st July, 1799
Sister of Peter } Elizabeth Russell	1200	18th July, 1795.
Russell,		
Hon. Henry Allcock,	6000	1st Dec. 1798 & 9th Feb. 1807.
Family of { Catherine H. Allcock,	1200	1st December, 1798.
H. Allcock } Mrs. Hannah Allcock,	1200	
Hon. Samuel Smith,	4280	23d July, 1793.
Family of S. Smith, as the children of a U. E. Loyalist. { Samuel Boies Smith,	1200	1st December, 1836.
{ Anna Smith,	1200	8th May, 1832.
{ Isabella Smith,	1200	
{ Emma L. Smith,	1200	
{ Catherine Smith,	1200	
{ Harriet L. Smith,	1200	12th January, 1837.
Hon. David William Smith,	7200	11th July, 1796, 10th June 1797, and 1st July 1799.
Family of { Mrs. Ann Smith,	1200	6th October, 1796.
{ Mary Elizabeth Smith,	1200	
{ Sarah Smith,	1200	
{ David W. Smith, Jun.	1200	
D. W. Smith. { John Smith,	1200	21st April, 1798.
{ Mrs. Ann Smith, (widow,)	1200	6th October, 1796.
Hon. John Elmsley,	6000	1st July, 1799.
Wife of } Mrs. Mary Elmsley		15th June, 1797.
John Elmsley		
Carried over—Acres.	65400	

Name of the Grantee.	No. of Acres.	Date of the Orders in Council.
Brought over..	6 5400	
Hon. James Baby, Mrs. Susan Baby, wife of James Baby,	6000	1st July, 1799.
	1200	23d July, 1793.
Hon. John McGill, Mrs. Catherine McGill, wife of John McGill,	6000	4th July, 1799.
	1200	6th October, 1796.
Hon. William Dummer Powell, Family of W. D. Powell. { Mrs. Ann Powell, John Powell, Grant Powell, Jeremiah Powell, Thomas Powell, Ann Powell, Elizabeth Powell, Mary Boyles Powell,	6000 1200 1200 1200 1200 1200 1200 1200	29th Dec. 1788, 1st June, 1794, 21st March, 1797, & 7th Dec. 1802. 3rd January, 1797. 11th December, 1797.
Hon. W. Claus, Family of W. Claus. { William Claus, Junr. John Claus Warren Claus, Mrs. Catherine Claus, Mrs. Ann Claus, widow of Lieutenant Col. Claus,	2000 1200 1200 1200 1200 5000	26th Jan. 1797 & 14th June, 1811 19th Jan., 1818. 3rd Nov. 1836. 8th August, 1833. 19th Jan., 1818. 14th April, 1798.
Hon. Aeneas Shaw, Family of Aeneas Shaw, { Aeneas Shaw, Junr. Alexander Shaw, Charles Shaw, George Shaw, John Shaw, Richard Shaw, Isabella Shaw, Sophia Shaw, Ann Shaw, Charlotte Stewart Shaw, Mary Ralston,	6000 1200 1200 1200 1200 1200 1200 1200 1200 1200 1200	29th July, 1795, & 1st July, 1799 27th August, 1796. 5th September, 1833. 5th September, 1833. 12th August, 1833.
Hon. Prideux Selby,	2000	27th July, 1797.
Hon. Thomas Scott,	1200	1st June, 1802.
Hon. Colonel John G. Simcoe, Francis G. Simcoe, son of J. G. Simcoe,	5000 1200	9th July, 1794. 18th June, 1795.
Carried over—Acres..	134880	

Name of the Grantee.	No. of Acres.	Date of the Orders in Council.
Brought over—Acres. .	134880	
Family of John Small, Clerk of the Executive Council { John Small, Esq. Mrs. Eliza Small, Joseph A. Small, John R. Small, James E. Small,	3700 1200 1200 1200 1200	3d Aug. 1797, 4th Dec. 1806. 5th October, 1796. 4th October, 1796. 14th March, 1811. 14th March, 1811.
Total—Acres. .	142960	

No 12.

A Return of certain large grants made to Legislative Councillors and their families.

Name of the Grantee.	No. of Acres.	Date of the orders in Council.
Honble. Robert Hamilton, Family of Robert Hamilton. { Robert Hamilton, junr. George Hamilton, Alexander Hamilton, James Hamilton, Samuel Hamilton, William R. Hamilton, John Robertson Hamilton, Peter Hamilton.	6060 1200 1200 1200 1200 1200 1200 1200 1200	17th January, 1797.
Honble. Richard Cartwright, Family of R. Cartwright. { Mrs. Magdalen Cartwright, James Cartwright, Richard Cartwright, junr. Hannah Cartwright, Mary Cartwright.	4422 1200 1200 1200 1200 1200	21st June, 1794, 6th Jan. 1796, 4th June, 1796. 7th June, 1797.
Honble. John Munro, Family of John Munro. { Harry Munro, John Munro, junr. William Munro, Cornelia Munro, Christiana Munro, Charlotte Munro, Mary Munro.	3200 1200 1200 1200 1200 1200 1200	29th June, 1793. 1st July, 1797.
Honble. Henry Hay, Thomas Fraser.	5000 6793	22d June, 1793. 14th August, 1797.
Total—Acres	49475	

orders in Council.

4th Dec. 1806.

796.

796.

811.

811.

No. 13.

Schedule shewing the compensations made to Contractors and Surveyors for making Surveys in the Province of Upper Canada.

Names of Contractors and Surveyors.	Contractor. Surveyor.	Townships Surveyed.	Acres.
William Brown,	Sr	Plantagenet,	2709
James G. Chewett,	..	Medonte,	2803
Mahlon Burwell,	..	Lobo,	2195
William Brown,	..	Seymour,	3515 $\frac{1}{2}$
Daniel McIntire,	Cr	Madoc—part of	1200
Ezekiel Benson,	Sr	Mono	2544
Ezekiel Benson,	..	Essa,	3253
Ezekiel Benson,	..	Adjala,	2310
James G. Chewett,	..	Oro,	3105
James G. Chewett,	..	Albion,	2635
Gabriel Lount,	..	West Guillimsbury,	1960
Geo. Rich. Ferguson,	Cr	Tyendinaga—Part of	1331
Samuel Rykeman,	Sr	Eramosa,	2030
Samuel Rykeman,	..	Nesagieweya—North half of	973
Samuel Rykeman,	..	Caledon—West part of	1685
Daniel McIntire,	Cr	Madoc—Part of	1130
Thaddeus Davis,	..	Niseouri,	4290
Thaddeus Davis,	..	Zorra,	5069
Daniel McIntire,	..	Madoc—Part of	1120
James Pearson,	..	Innisfel,	3440
James G. Chewett,	Sr	Caledon—East part of	1400
Abraham Nelles,	Cr	Esquesing—North part of	1400
Abraham Nelles,	..	Erin—South half of	1720
Gabriel Lount,	Sr	Tecumseth,	2350
Mahlon Burwell,	..	Houghton,	1505
Billa Flint,	Cr	Marmora,	3456
Zaccheus Burnham,	..	Otonabee,	3150
Mahlon Burwell,	Sr	Yarmouth—North part of	1026
Mahlon Burwell,	..	Southwold—South part of	719 $\frac{1}{2}$
Timothy Street,	Cr	Chiniquacousy—Part of	1900
John Galbraith,	Sr	Mariposa,	3555
Timothy Street,	Cr	Toronto, (Township) part of	1000
Timothy Street,	..	Trafalgar—Part of	850
Timothy Street,	..	Esquesing—Part of	800
Richard Bristol,	Sr	Toronto—Part of	600
Richard Bristol,	..	Chiniquacousy—Part of	1800
Richard Bristol,	..	Esquesing—Part of	800

Carried over, 77420 $\frac{1}{2}$

and Surveyors
Canada.

Acres.

lf of

of

t of

t of

f

art of

f

ried over,

Names of Contractors and Surveyors.	Contractor. Surveyor.	Townships Surveyed.	Acres.
Richard Bristol,	Sr	Trafalgar—Part of	77420. ¹⁰
Reuben Sherwood,	..	Nasageweya—Part of	600
Reuben Sherwood,	..	Nelson—Part of	1000
Reuben Sherwood,	..	Toronto—(The Gore of)	1000
Thomas Smith,	..	Sombra,	900
Mahlon Burwell,	..	Mosa,	4445
James G. Chewett,	..	Vespra,	2237
Zaccheus Burnham,	Cr	Ashphodel,	1970
John Edward White,	Sr	Thora,	1820
And. Borland & Wm. Roe,	Cr	Orilla,	2216
John McDonald,	Sr	Clarence,	3851
John McDonald,	..	Gloucester—Part of	4201
Duncan McDonell,	..	Cumberland and part of Gloucester	2463
Duncan McDonell,	..	Gloucester—Part of	5612
William Browne,	..	Alfred,	1221
John Smyth,	Cr	Ebzever,	1920
John Bostwick,	Sr	Westminster,	3447
Thomas Horner,	Cr	Dawn,	1218
Samuel M. Benson,	Sr	Hungerford,	3773
Allan Robinet,	Cr	Tosoronti,	2466
Allan Robinet,	..	Mono—West part of	2240
Samuel Rykeman,	Sr	Erie—North part of	960
Samuel Rykeman,	..	Garrapaxa,	1723
William Browne,	..	Plantagenet—Gore of	4631
Billa Flint,	Cr	Levant,	1476
Billa Flint,	..	Torbolton,	1818
Billa Flint,	..	Fitzroy,	795
Billa Flint,	..	Pakenham,	1885
Billa Flint,	..	Darling,	1920
Samuel M. Benson,	Sr	Sheffield,	2880
John Goesman,	..	Tiny,	3158
Billa Flint,	Cr	Palmerston,	3803
Allan Robinet,	..	Mulmur,	3114
Allan Robinet,	..	Amaranth,	3572
Mahlon Burwell,	Sr	Zone,	3248
Mahlon Burwell,	..	Gosfield,	2950
Mahlon Burwell,	..	Raleigh,	916
Abraham Nelles,	Cr	Harvey,	2172
Abraham Nelles,	..	Burleigh,	6100
Abraham Nelles,	..	Emily,	4126
Mahlon Burwell,	Sr	Howard,	1114
Wm. McDonald,	..	Russell,	1714
Charles Hayes,	Cr	Belmont—Lake of Methuen,	2550
Samuel M. Benson,	Sr	Hinchinbrooke,	8535
Samuel M. Benson,	..	Bidford,	2437
			2858
	u	Carried over,	195875. ¹⁰

Names of Contractors and Surveyors.	Contractor. Surveyor.	Townships Surveyed.	Acres.
		Brought over..	195875 ² ₁₀
Abraham Nelles,	Cr	Blandford,	1129
John Smyth,	..	Kaladar,	3362
James Kirkpatrick,	Sr	Fenelon,	4147
Mahlon Burwell,	..	East Tilbury,	2494
Mahlon Burwell,	..	West Tilbury,	2306
Mahlon Burwell,	..	Middleton,	1667
Charles Fothergill,	Cr	Verulam—Part of	1870
Reuben Sherwood,	Sr	Mac Nab,	5128
George S. Boulton,	Cr	Verulam—Part of	1870
Owen Quinn,	Sr	Horton,	1080
Allan Robinet,	Cr	Melanchthon—Part of	1300
James G. Chewett,	Sr	Mara,	2484
Duncan McDonell,	..	Ops,	3054
Henry Ewing,	..	Eldon,	4103
Mahlon Burwell,	..	Sandwich,	1578
Mahlon Burwell,	..	Maidstone,	2128
Mahlon Burwell,	..	Rochester,	1584
Mahlon Burwell,	..	Orford—Part of	600
Mahlon Burwell,	..	Orford—Part of	354
Wm. McDonald,	..	Osgoode,	5010
John Smyth,	Cr	Olden,	3034
John Smyth,	..	Kennebec,	3456
John Smyth,	..	Oso,	2475
Angus Cattenach,	..	Roxborough—Part of	1009
Zaccheus Burnam,	Cr	Douro,	1669
Zaccheus Burnham,	..	Dummer,	2988
Andw. Borland & Wm. Roe,	..	Tay,	1930
Mahlon Burwell,	Sr	Carradoc—Part of	1182
Mahlon Burwell,	..	Southwold—Part of	700
Mahlon Burwell,	..	Karwich,	3475
			264150 ² ₁₀

No. 14.

Acres.

over. 195875 ²/₁₀

1129
 3362
 4147
 2494
 2306
 1667
 1870
 5128
 1870
 1080
 1300
 2484
 3054
 4103
 1578
 2128
 1584
 600
 354
 5010
 3034
 3456
 2475
 1009
 1669
 2988
 1930
 1182
 700
 3475

264150 ²/₁₀

Return of number of acres patented to the Canada Company, 1,393,388

Appropriated.

In blocks	1,100,000	
Scattered Crown Reserves, ...	1,384,413	
		<u>2,484,413</u>
Remaining,		<u>1,091,025</u>

Surveyor General's Office,
Toronto, U. C. 5th September, 1838.

No. 15

A Return of the number of Acres of Crown Land disposed of by sale
for which descriptions have issued.

Total—55,084 ¹/₄ Acres.

Surveyor General's Office,
2nd October, 1838.

No. 16.

A Return of the number of acres of Clergy Reserves for which descriptions have issued.

Total—73,806½ acres.

Surveyor General's Office,
Toronto, 4th October, 1838.

No. 17.

Return of the number of acres of School Lands under patent, viz:—

20,677 acres.

Surveyor General's Office,
Toronto, 10th October, 1838.

No. 18.

Return of Lands granted to Officers of the Army and Navy in lieu of Remission Money.

Total—92,526 Acres.

Surveyor General's Office,
Toronto, 10th October, 1838.

No. 19.

A Return of the number of Acres of Crown Lands located, but not described for Patent, exclusive of such as have been sold by the Commissioner of Crown Lands.

Total—795,400 Acres.

Surveyor General's Office,
Toronto, 16th October, 1838.

No. 20.

Return of the number of Acres of Land for which Orders in Council are
filed in the Surveyor General's Office, which remain unlocated, viz :

To Emigrants, &c.—subject to the payment of Fees—86,050 Acres.

To reduced Officers, Soldiers and Seamen—106,300 Acres.

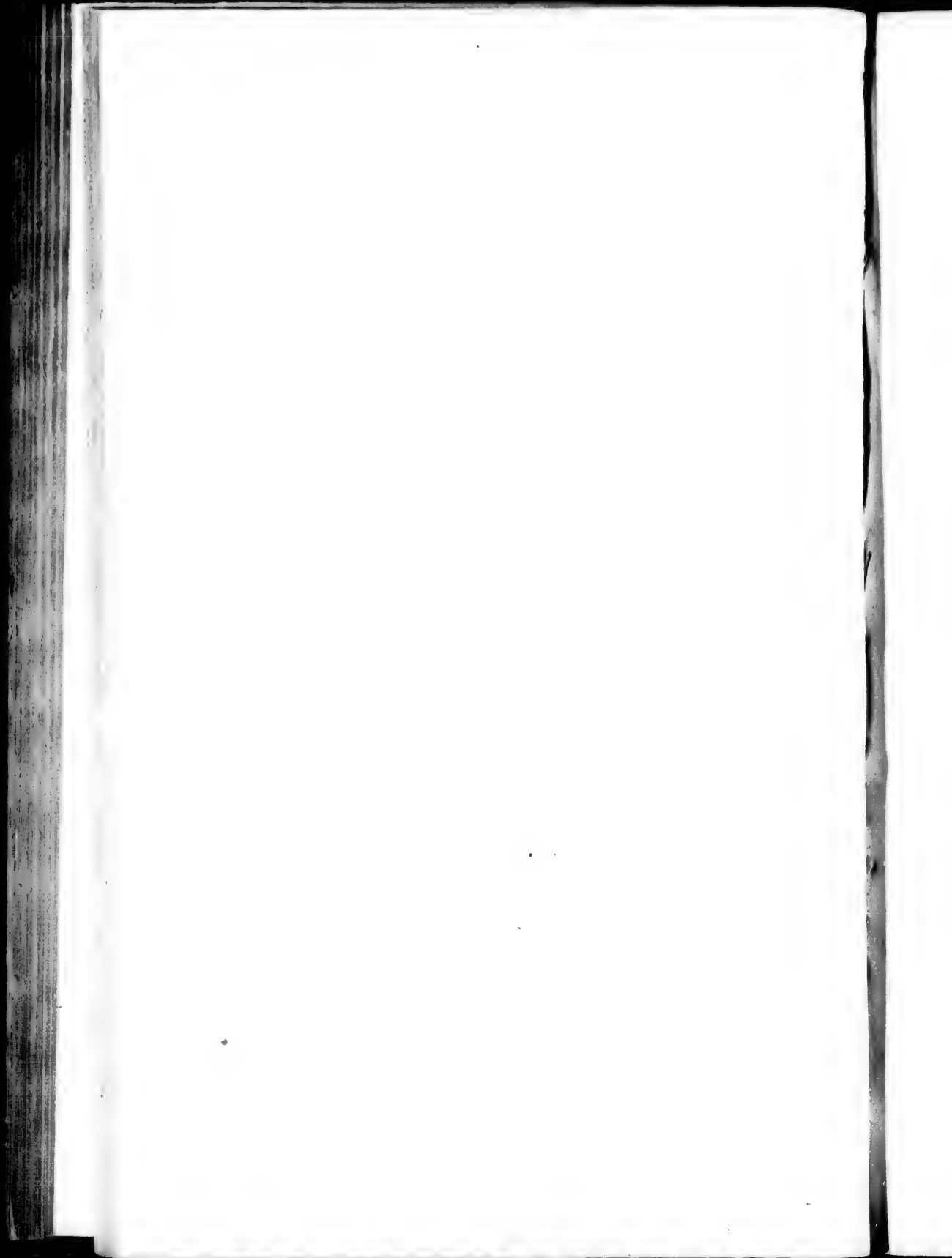
To Provincial Militiamen—85,200 Acres.

To United Empire Loyalists, and Military Claimants
who served during the revolutionary war with
the United States, } 295,200 Acres.

Surveyor General's Office,
Toronto, 16th October, 1838.

October, 1838.

Crown Lands Office,
Toronto, 29th Sept. 1838.



NOVA SCOTIA.

J. S. Morris, Esq.

You are Surveyor General and Commissioner of Crown Lands in this Province ?

Yes.

How long have you filled those situations ?

I was appointed Commissioner of Crown lands, 4th May, 1827, and Surveyor General the 6th April, 1831, on the resignation of my father.

Were you in the department previous to the above time ?

Yes, I entered the Surveyor General's Office in 1816, the Office of Commissioner of Crown Lands was only constituted in 1827.

What was the system of selling public lands in this Province, previous to the formation of the Crown Land Office, in 1827 ?

Land was granted in lots, on the application of individuals, to the Lieutenant Governor and Council, either in townships or in separate allotments, upon certain conditions of improvement, and upon the payment of an annual quit rent, of 2s. for each 100 acres, or a quit rent of a farthing per acre.

Were any grants of land made on other terms than the above previous to 1827 ?

A very small proportion of land was granted by licence to individuals at the pleasure of the Governor for the time being ; some of those lands have been disposed of, and sold by the original settlers, some have been confirmed to them by grants, and the title of others has been confirmed by Acts of the House of Assembly, giving title of occupation to those of certain standing.

Does this system continue at the present time ?

No, the power of the Governor was altogether suspended by the general instructions of 1827.

What quantity of land was granted in townships ?

About 1,563,070 acres.

What quantity was granted in separate allotments ?

About 6,380,000 acres,

What were the conditions of settlement and improvement required of proprietors of townships ?

The townships were granted on different terms.

What were the conditions required of proprietors in separate allotments ?

They were also granted on different terms of tenure, according to the period the grant was made. It is the duty of the Surveyor General to prepare the plans and descriptions, but it rested with the Secretary of the Province and the Attorney General, to attend to the terms of the grant.

Were the conditions generally conformed to ?

Not strictly in any case—in the townships particularly.

Are lands generally situated on bays or harbours ?

There are settlements having frontage on navigable waters.

Has there been any question raised as to escheating any of the grants for non-compliance with the terms on which they were granted ?

Yes, the question of Escheat has been raised more than once, and it was held and determined, that the improvement made on a portion of grants such as those settlements on the coast, were sufficient to protect the title to the whole property.

Does the system of granting large blocks of land to individuals tend to promote the general interest and improvement of the Province ?

Certainly not—on the contrary, it had a very great tendency to obstruct the settlement of the country, as the individuals holding the large grants, neglected to advance improvement.

Such grants having been made, what, in your opinion, would be a remedy for the evil complained of ?

A general tax on all wild lands, would seem to be the only remedy, unless the Crown was to escheat grants, when conditions were not fulfilled.

Have lands been escheated in the Province at different periods ?

Yes, about 2,200,000 acres have been escheated the grantees not having planted and cultivated the land, in compliance with the conditions of the grant.

At what period did the greatest portion of the escheat take place ; and does the system of escheat continue in operation to this time ?

A great portion of the escheat took place about 1783 on the arrival of the Loyalist from the United States ; a considerable portion of land was escheated between 1816 and 1820, since that period, there have been some few allotments escheated, and the last escheat took place 1834.

Did the forfeiture of land by the above escheat cause any additional exertions to be made in promoting improvement by remaining proprietors ?

It does not appear to have produced much effect.

Were these escheats generally contested by the parties concerned ?

In most cases they were, and there were many attempts to obtain escheat without success.

What is the system followed in escheat cases ?

It is required that a party should petition Government to escheat a grant of land in consequence of non-fulfilment of conditions on the part of the proprietor. The parties are referred to the Surveyor General, who reports on the case, and if found to be one calling for interference from Government, the Attorney General gives directions to have public notice given, that at a period embracing upwards of twelve months, an inquest will be held, and the case brought before the jury for their opinion.

In such cases is their a reference made to the Proprietors of the land ?

I am not aware of any other notice than the public notice given in the Gazette.

Is there any objection to this mode of proceeding in cases of escheat ?

Yes, the expense and delay is sufficient to deter many persons from prosecuting an escheat. The cost of an escheat for one acre is as much as for 10,000 acres, when contained in one grant.

Who are the parties that incur the expense ?

The informant, who is also the person that applies for, and with few exceptions has obtained the land, in some instances the informant has

only obtained a portion of the same, from its being a large block, and in other cases information has been given by the public generally, who have instituted the case, in order to rid themselves of a nuisance, by removing a monopoly and a check to improvement.

Can you state the amount of costs in cases of escheat?

The whole expense is about £20, when the land is escheated without opposition.

Was there any payment of quit rents previous to 1827?

Not that I am aware of.

All the land granted previous to 1827 was then liable to escheat at that period, from non-payment of quit rent?

Yes.

What has been done in reference to the above, since 1827, when the office of Commissioner of Crown Lands was instituted?

In 1827, all former proceedings as to grants of land were put an end to, and a new system instituted. Lots of land were ordered to be laid out in different parts of the Province, to the extent of from 100 to 200 acres each allotment.

The upset price was fixed at two shillings per acre, to convey the fee simple of such land without any reservation, except as usual in cases of mines and minerals, all previous grants remaining just as they were, without any authority in the new regulation to interfere with them.

What steps were taken to carry out the new system?

The instructions were published, and land was advertised for sale the same year, but no sales were effected, the people had been getting land on such easy terms, that there was an objection to the new system, and they did not come forward to purchase.

What was done in subsequent years?

The Commissioner of Crown Lands was authorized in the following year to grant licences to poor settlers to the extent of from 100 to 200 acres, on payment of certain fees which were regulated by Her Majesty's Council, the land so allotted was subjected to an annual quit rent of five shillings for each 100 acres, and the grant was actually made on condition of settlement, which required that the proprietor should build a house and reside on the ground within six months from the allotment being made, this was evaded, in many instances, by the parties leaving their land after a short residence.

Have any lands been sold under the regulations of 1827?

Yes, altogether about 120,000 acres have been disposed of.

Can you furnish a list of the quantities sold in each year, with the prices obtained?

They have been as follows:—

	Acres,			Amount paid.
In 1828—	5485	at 2s.	to 2s. 6d.	£140 6 0
" 1829—	2835	"	"	89 9 5
" 1830—	2470	"	2s. 0½d.	99 19 5
" 1831—	10411	"	"	647 11 6
" 1832—	14879	"	2s. 3d.	1063 8 1½
" 1833—	11451	2s. 3d.		1076 0 3½
" 1834—	13221	"		802 6 4½

for, and with few
the informant has

Acres,		Amount paid.
" 1835—24942	3s.	1349 9 5½
" 1836—14884	" "	1354 19 4¼
" 1837—17419	2s. 3d. to 3s.	1638 0 7½
117997		£8261 10 7½ Nova Scotia Cy.

The accounts for 1838 are not made up, about 5,000 acres supposed to be sold at an average price of 2s. 3d. per acre.

Has the upset price of Crown Lands been the same in all parts of the Province?

Yes.

Have the payments been punctually made by purchasers of Crown Lands?

No, it has been necessary in many instances to grant indulgence as to payment for three years, the seasons have been more than usually bad, but this only refers to sales made before January, 1837, since then the terms have been cash, within 14 days after the sale. The lands have been disposed of quarterly, having been advertised in the Gazette, and small lots of land have also been disposed of to individuals at the upset price; between the regular periods of public sale, there has been little or no competition at the public sales, as will be seen by the above list.

What is the greatest quantity of land disposed of in one lot since 1827?

One thousand acres.

Is there a quantity pointed out as the utmost to be disposed of in one lot?

Yes, 1,200 acres.

Has the greatest portion of the land disposed of since 1827, been occupied by the purchasers?

It has not.

What has led parties to acquire this land which they do not occupy?

For the purpose of obtaining a future supply of fuel and to make use of the timber growing on it, in some cases for speculation.

Is the upset price of two shillings and three pence currency, the best in your opinion for the interest of the country?

I think a higher price would in a great measure put a stop to the sales of Crown Lands, as individuals are selling lands at not more than the upset price, and in some cases for still less money.

Have you an increasing demand for Crown Lands?

The demand has gradually increased; but I do not think a higher price than 2s. 3d could be obtained at present.

Has the quit rent, applicable to grants previous to 1827, been extended to the lands sold since that period?

Not to lands sold.

What arrangements have been made respecting the quit rents alluded to?

In 1835, the House of Assembly commuted the quit rents for the sum of £2000 annually, to be paid by the Province, towards the Governor's salary.

Is it to be understood that no quit rent or tax on lands at present exists in the Province?

There does not.

Are the proprietors of land by the arrangement, altogether relieved from the obligation of quit rents?

The House of Assembly, I conceive might levy a quit rent ; at present no quit rent exists.

All claims for arrears of quit rent are understood to be disposed of?

I do not know in what light the House of Assembly may view it.

When grants are made to purchasers of Crown Lands, how are the parties put in possession?

A Surveyor proceeds, by direction of the Surveyor General, to mark out the land appropriated to the party, he commences at some known boundary, and from thence finds out the lot in question, and marks all its angles and boundaries.

When you speak of a known boundary, does it imply the nearest place already appropriated to that intended to be located or granted?

It is the angle of some former grant, the boundary of which is marked or it is some natural boundary, that cannot be mistaken ; when the survey is completed, it is entered in the Surveyor General's office.

From the above system, it follows, that by one lot being imperfectly surveyed, all those measured from it must be in error?

Great pains have been taken lately to avoid error in surveys, but from previous surveys, the above mischief is very likely to occur.

Are there many instances of litigation in consequence of inaccurately defined boundaries?

Very many.

Does this system tend to check settlement and improvement in the country. and to prevent transfer and settlement of property?

I do not think it has any effect as yet in Nova Scotia, because wild lands are not yet sufficiently valuable, but it may be apprehended, that at a future period great difficulties will occur in reference to the boundaries of land.

Would such apprehension have weight with persons desirous of investing capital in this Province in the purchase of land?

No doubt it would.

What would you recommend as a remedy to the present system?

The Surveyor General ought to be authorized to employ persons to run such lines as he should point out as necessary, and in many instances to review the boundaries of old grants, and in some instances to form the boundaries of grants and townships that have not yet been surveyed. It would be necessary also to stop the practice of persons employing unqualified Surveyors, many of whom are probably also incapable, these persons do the business on any terms, having no responsibility in what they do.

Are there a sufficient number of qualified Surveyors in the Province to do all the work required?

There would if they were protected by proper laws, but at present there is a difficulty to find persons to lay out the Crown Lands, the Deputy Surveyor having to combine other occupations with this office, in order to get a living, and it is considered quite secondary.

What expense is incurred for surveys?

From 3d. to 5d. per acre, depending on circumstances, such as distance and nature of the country, and difficulty in ascertaining the lot in question

Has the system of granting lands to leaders and associates at any time been in duration in this country?

There was a system of the kind originally, but nothing of the kind of late years.

When the system was practised, had it the effect of causing land granted to leaders and associates to pass into the hands of leaders ?

Yes it had.

Do you know in any cases what price land was purchased for, from the associates ?

I do not know, it was frequently something very trifling.

In what sized blocks were the land of the Province disposed of ?

From blocks of from 11,000 to 15,000 acres.

Are there any proprietors at present in possession of any such property ?

I do not believe there are any proprietors who now possess more than 15,000 acres in the Province, and that quantity divided into different blocks, except in the instance of Messrs. Lyons and Wright, and others included in the list, and whose original grants have not been escheated, I have no means of knowing the present state of those lands. There is a list containing such grants that have not been escheated. (See Appendix No. 1.)

How were the other large grants disposed of by the proprietors ?

The greater portion, and I believe all of them, with the exception given, has been escheated for non performance of conditions.

What was the extent of the grants to Messrs. Lyons, Wright and others ?

150,000 acres.

What is the quantity of all the land contained in that list ?

675,576 acres.

You have stated in your former evidence, that you think there are 1,000,000 acres liable to escheat, is any portion of that land contained in this list ?

Some of the land is contained in this list, but a great portion of it is not, a great proportion of it is in grants of 500 acres, and under that quantity.

In remarking on the quantity of land liable to escheat, you allude to lands more immediately known to yourself ?

Yes.

Besides the land you suppose to be liable to escheat, there may be large quantities of the original grant, also liable to forfeiture for non-fulfilment of conditions ?

Yes.

The quantities liable to escheat in the Province cannot be ascertained, without an examination of each grant, in order to know if settlers are on it ?

The estimation must be made.

In case of squatters being on land without a knowledge of proprietors, would the liability to escheat be removed ?

I know that squatters have escheated land, but I am not aware of such case ever being decided on.

You have stated in a former part of your evidence, that the best remedy for advancing the general improvement of the country, would be by a tax on wild lands. If such were determined upon, and the whole proceeds of such tax applied to purposes of improvement and promoting emigration to the Province, what amount do you think it would be desirable to levy on each 100 acres of improved land ?

On any grants of land, where no improvement whatever have been made, I think 5s. per 100 acres would not be too high a tax. On land where partial improvements have been made, but not such as might be expected from long possession, a partial tax might be levied.

Is it your opinion that large quantities of land are held with a view only to future benefit, without the proprietor regarding the immediate interest to the Province?

I should consider a very large quantity of land is held in that way.

Is there much land now liable to escheat from neglect and non-compliance of terms of appropriation?

I should think upwards of 1,000,000 acres.

What is the superficial area of Nova Scotia?

About 10,000,000 acres.

What portion of that do you consider to be covered with water?

About one fifth.

Leaving 8,000,000 acres of land?

About that quantity.

It has been stated that about 5,750,000 acres of land has been granted in Nova Scotia, what portion do you consider of this is under cultivation?

There is about 400,000 acres of land in Nova Scotia, under cultivation.

What portion of the unappropriated land do you consider as capable of cultivation?

About one eighth.

What is the general character of the remainder?

Chiefly barren land it is remarked. (See Appendix No. 2.)

Has there been any revenue arising to the crown from timber or other sources than the sale of crown lands?

None from the sale of timber, there is a revenue from the mines, which goes through the Receiver General's office.

What has been the amount paid annually to the Receiver General from your department for the sale of crown lands (see list No. 3)?

What has been the extent of emigration during the last five years?

There has been no extensive emigration at any time to this Province, there has been a yearly arrival of emigrants at Halifax, but none at Pictou and Cape Breton.

Have the emigrants who have come to the Province been able to establish themselves?

Many have, particularly the agricultural portion of them, at Pictou and Cape Breton, many of those who came to Halifax have gone to the United States.

What prevented the settlement of those emigrants in this Province?

Those who came to Halifax were not desirous of going into the country, and in the immediate neighbourhood there is no eligible land for settlement in right of the crown, in the country the sale of crown lands requires cash payment and the greater part of the emigrants being poor they could not acquire land without a considerable residence in the country to obtain means of purchase.

On what terms do private individuals part with lands to settlers?

Generally from 3s. to 3s. 6d. per acre if purchased and in many instances for less.

Are there instances of persons taking wild land on lease or other terms than by purchase ?

I am not aware if it is done in any instance.

Do persons generally succeed who settle on wild lands ?

In cases where the parties have been industrious, they have succeeded very well.

Are you acquainted with the road system, pursued in the Province ?

There is no system the practice has been to make roads from one point to another as they have been required and this has been done generally at the expense of the Province by grants of the Legislature. There is also three days statute labour required of each person or money in lieu of it.

Is this mode of proceeding generally approved of ?

It frequently brings forward an inferior person, hired at a low rate, to supply the place of a robust man, or it causes labour only to be half done, by those who work themselves.

Are the roads as well kept up as they ought to be ?

Certainly not, neither the main roads nor the cross roads, are as they ought to be, the funds are misapplied and the statute labour is improperly performed.

Who are the persons who have the management of road funds ?

There are no regular persons, there are Commissioners appointed annually by the Governor and Council to attend to roads.

Do those persons attend to the laying out and making of the roads ?

They attend to both.

Are they engineers or persons acquainted with such works ?

With very few exceptions they are not.

Who are the most active of those parties ?

Messrs John Mc Kerzie, Peter Creans and James McKenzie.

Is there any contribution from proprietors of wild lands, towards formation of roads ?

None.

Is this complained of by settlers and is it detrimental to the settlement of the Colony ?

There is a very general complaint throughout the Province, of the mischief arising from the system.

From your experience and with your knowledge of the different systems that have been followed in reference to disposing and settling crown lands in the Province, have you any opinion to offer as to the best mode to pursue in future ?

The course most proper to be taken in order to settle the waste lands in Nova Scotia would be for the crown first to get possession by process of escheats of all the lands hitherto granted the conditions of which have not been complied with. It would involve a heavy expense to the crown if the escheat of land took place at the instance of the Government, which in such a case persons must be employed to examine minutely each grant in order to furnish the proper evidence. In order to effect this the crown should permit applicants to have the lands at something less than the upset price upon certain conditions, that is to say, provided they effected the escheat and settled upon the land that, they should be allowed to purchase to the extent of two hundred acres, each person at the rate of 1s. per acre, they paying for the surveyor at the rate of 1s. 4d. in order

to cover that expense. That no grant should pass to them of the land sold until they had been actually living upon it, for at least twelve months; that they should be allowed two years to pay the purchase money and should deposit one fourth of the amount at the period of securing permission to occupy the land; that in order to prevent delay there should be no reference required to Her Majesty's Council, but the Lieut. Governor, or in his absence, the Commissioner of crown lands should decide at once upon the application agreeable to the Royal Instructions of 1832, but in cases of difficulty and when the lands were involved in dispute, it would of course be proper to refer to the Council; that the waste land of the crown fit for settlement should be held at the fixed rate of 2s. 3d. per acre, and individuals allowed to obtain them without a reference to public sale, but in all cases certain conditions of improvement should be insisted on, and the grant should not pass until so many acres has been put under cultivation and the purchaser actually settled upon the land. It would be necessary to make roads through these waste lands in order to connect them with other settlements and a careful survey should be made and the bounds properly marked of every lot which should not exceed two hundred acres. It is proper to remark that in Nova Scotia and particularly upon the Atlantic side of it, there is a certain description of lands not at all adapted for cultivation but still of value to the fishermen as it supplies them with wood for a variety of purposes; no valuable timber grows upon it, nothing but small spruce and firs, and a small growth of hardwood which serves them for fuel, now such land as this should not come under the operation of the foregoing regulations, but where land is bought for the wood only prompt payment should be required.

See also appendix No. 4.—An account of the number of counties and townships, &c.—Appendix No. 5. return of Militia.

Sir Rupert George, Bart. Secretary of the Province of Nova Scotia,
examined.

Be so good as to describe the different systems under which the Crown lands in Nova Scotia have been disposed of?

From the first settlement of Halifax in 1749, until 1760, the disposal of the lands of the Crown was in a great measure left to the discretion of the Governor.

During this period little was done towards the settlement of the interior, the alienation of the Crown Lands having been principally confined to the neighbourhood of the Seat of Government. In the year 1760 instructions were issued for the Governor's guidance in this respect, but they are not on record in my office. About this time, a very general disposition prevailed both in Europe and America, to speculate in the lands of this country, and various projects for its settlement were submitted to His Majesty's Government by numerous companies and associations formed for the express purpose of entering into such speculations. Unfortunately for the Province, these ill-considered schemes were encouraged by Government; and from 1760 to 1773 the whole of Prince Edward's Island which then formed part of Nova Scotia, as well as numerous townships of one hundred thousand acres each, and vast tracts of land containing the most fertile portions of the Province, were granted to adventurers of this description, who engaged to cultivate the whole within a limited period. All these speculations entirely failed, and those engaged in them discouraged by the heavy losses which they had sustained in endeavouring to settle their lands, abandoned and left them derelict; but as they still retained their grants, poor settlers were deterred from resorting to the Province, knowing that the most valuable lands were monopolized; and thus—emigration from the Mother Country being at the same time discouraged, as ruinous to its interests and security—the Province remained in a hopeless state of depression for many years. At length strong representations were made to Her Majesty's Government of the injury which the Province suffered from settlers not being able to obtain lands, except as the tenants of, or purchasers from, these extensive proprietors, and instructions were given in 1773, to vacate these improvident grants, in order that the same lands might be granted to persons who would engage to settle on and improve them, on such terms as it was said would shortly be promulgated. But this prospect for the better settlement of Nova Scotia, however well intended, failed in consequence of the powerful remonstrances of the original grantees, among whom were some of the first men of the kingdom. The attention, however, of Government having been thus turned to the evils resulting from these large grants, an order from the King in Council issued on the 20th of July, 1773, declaring that the state and condition of H. M. Colonies and plantations in America did, both in justice and expediency require, that the authority for granting lands therein should be further restrained and regulated, and ordering the Lords Commissioners for Trade, to take the subject into consideration, and suggest such alterations as they should think fit to be made in the instructions; and all Governors were directed in the meantime not to issue any warrant of survey, or pass any patent for lands in the Colonies. In February, 1774, an additional instruction was issued by His Majesty, founded on the reports of the Lords of Trade, annulling all former instructions, and establishing an entirely new mode of disposing of the

Nova Scotia,

which the Crown

60, the disposal
the discretion of

ent of the interior,
y confined to the
1760 instructions
but they are not
l disposition pre-
n the lands of this
submitted to His
ociations formed
ons. Unfortun-
re encouraged by
Prince Edward's
numerous town-
s of land contain-
ed to adventurers
within a limited
e engaged in them
ed in endeavouring
but as they still
m resorting to the
monopolized; and
the same time dis-
province remained
At length strong
ment of the injury
to obtain lands,
ensive proprietors,
provident grants,
s who would en-
it was said would
ter settlement of
ace of the power-
m were some of
er, of Government
e large grants, an
uly, 1773, declar-
and plantations in
hat the authority
nd regulated, and
e subject into con-
ink fit to be made
e meantime not to
s in the Colonies.
by His Majesty,
g all former in-
of disposing of the

lands of the Crown: It required the Governor to cause such parts of the Province as might be more advantageously settled, to be actually surveyed, and divided into lots of from one hundred to one thousand acres each, and then to sell them at public auction to the highest bidder, at an upset price of six pence an acre. The purchaser on payment of the purchase money was to obtain a bill of sale, upon producing which to the Governor, he was to receive a grant in fee simple, on payment of the usual fees, subject only to the reservations of precious metals, and to an annual quit rent of one shilling and two pence per acre. And the Governor was directed not to dispose of any lands in the Province on any other terms, under any pretence whatever. In pursuance of this instruction, upwards of eighty-three thousand acres of the best land, then remaining in the right of the Crown, were surveyed and divided into lots of suitable dimensions; but though a long public notice was given, not only in this but the neighbouring Colonies, now the United States, of the intended sale of those lands, not a single purchaser offered; and thus a well intended project for the settlement of the country proved abortive. Shortly after the breaking out of the Revolutionary War, a letter was received from Lord Dartmouth, (dated 1st July, 1775,) stating that His Majesty considered that Nova Scotia might become a happy asylum for many unfortunate families, under the necessity of abandoning the rebellious Provinces, and directing the execution of the instructions for the sale of lands to be suspended, and gratuitous grants to be made to such loyalists as might take refuge in the Province. The Governor took this occasion to represent the impossibility of providing suitably for their accommodation, unless steps were taken to reinvest the Crown with the extensive tracts before alluded to, and having been left derelict, and instructions were consequently given to escheat such of those lands as were not settled according to the terms of the patent. The non-resident proprietors, however, more than ever anxious to retain their lands, when they saw a prospect of acquiring an increased value from the expected influx of numerous new settlers, vehemently opposed the measure, and in too many cases with success. Nevertheless, large quantities of land were escheated, and regranted shortly after to actual settlers, who were chiefly refugee loyalists, and the Province now began to prosper. In 1782, its whole amount of population was only twelve thousand, while in 1784, Governor Parr reported that grants had passed for four thousand eight hundred and eighty-two families, amounting at four to a family to 20,120 souls, and that many more of the newly arrived families were settled on their lands, whose grants were delayed for want of surveys. In 1790, certain grants having been made which were disapproved of, His Majesty thought proper to forbid the further granting of lands, which prohibition continued till 1808. During this period numerous emigrants resorted to the Province, many settled without authority wherever they could find lands vacant, and some obtained licenses of occupation during His Majesty's pleasure. In 1808, the prohibitory order before mentioned, (but which does not appear to have been very strictly attended to,) was removed, and a new set of instructions issued. The prominent points in which were that the quantity of land to be granted to any individual should be restricted to one hundred acres to the head of a family, and fifty acres for each child, but not to exceed five hundred acres in the whole, without the special permission of His Majesty; that the grantee should improve within five years, three acres for every fifty granted, or keep three neat cattle for

every fifty acres of barren land, and erect a house, and should pay annually, two shillings sterling, quit rent, for every 100 acres, after two years from the date of the grant—the grant to be void on failure to comply with these conditions within five years. Under the operation of these instructions, the settlement of the Province went on rapidly; still many irregularities, productive of serious evils, were committed. Notwithstanding the ease with which an authority to settle could then be obtained, and the moderate expense of a patent, numerous unauthorised settlements continued to take place, and it not unfrequently happened that the local Government, from having no knowledge of these unlawful proceedings, were induced by false representations to assign or grant lands held in this irregular manner, and under improvement to others than the occupant, in the belief that they were in a wilderness state. Thus disputes arose, and endless and most embarrassing representations of conflicting claims to lots were made to the Lieutenant Governor. To remedy these irregularities, to facilitate the location of emigrants, and natives in poor circumstances, and to promote all objects connected with the settlement of the country, a Board of Commissioners consisting of the principal magistrates and members of the Agricultural Societies, was appointed in every county in 1821. To these Boards all petitions for land were in the first instance presented, who forwarded them to the Lieutenant Governor, with their observations; but if the applicant was an emigrant or other poor person in want of an immediate settlement, the Board had authority to grant him a ticket of location, without any previous reference to the Lieutenant Governor, the allowance at this time being in all cases to a married man 200 acres, and to an unmarried man 100 acres. In this manner the settlement of the country was conducted until 1827, when the existing system of disposing of Crown Lands by sale was established.

Did this change in the system give satisfaction?

No; previously to its adoption Sir James Kempt received an out-line of the plan from Sir Wilmot Horton, and this having been submitted to the Council for their opinion, as to the expediency of adopting it in Nova Scotia, a report on the subject was transmitted to the Colonial Office, shewing the inapplicability of the proposed system to this Province, and Sir James Kempt fully concurring in this opinion, earnestly recommended that His Majesty's Government would pause before they extended the new regulations to Nova Scotia.

Can you supply a copy of this Report?

Certainly (No. 1.)

What reply was given to it?

None to my knowledge. Sir James Kempt soon after received a despatch from Lord Bathurst (1st March, 1827) stating, that it was desirable, that an uniform system of disposing of the Crown Lands should be established in the North American Colonies, and directing the strict observance of the instructions which were at the same time transmitted, for the sale of Crown lands.

What proceedings took place on the receipt of these instructions?

Sir James Kempt immediately gave publicity to them, and declared, that thenceforward unappropriated Crown Lands could only be obtained, according to the new regulations, by purchase. In justice however to the numerous persons settled under the authority of Government, with incomplete titles, notice was given that all settlers so circumstanced would be allowed to obtain grants on the accustomed terms provided the fees

or the same were lodged at the proper offices before the 1st January, 1828, but not otherwise. And the Commissioner of Crown Lands did all in his power to give effect to the new instructions.

Did many persons take out grants in consequence of this offer?

Yes—about 1820 persons availed themselves of it, in Nova Scotia Proper, and have since received their grants, containing in the whole about 200,000 acres, and in Cape Breton, about 1120 persons did the same; but many of these grants still remain incomplete for want of surveys, for which the settlers in most cases are unable to pay.

What fees are payable on grants under the old system?

The expense of a separate grant to an individual of from 100 to 500 acres, was from £12 10s. to £13 15s. currency, but to save expense to the grantees, it was the invariable practice, unless otherwise requested, to include five persons in a grant, whereby each grantee's proportion of the expense was for 200 acres about £3 15s. and for 100 acres, about £3 currency, including every attendant charge except that of the survey of the land.

What is the expense of the grants under the new system?

The upset price of land being from 2s. 3d. to 2s. 6d. an acre, the price of a grant of 100 acres varies from £11 5s. to £12 10s. and of 200 acres, from £22 10s. to £25 currency, including the cost of survey.

When is the purchase money paid?

Under the instructions originally received, it was permitted to pay the purchase money by four instalments, without interest, the first being payable at the time of sale, and the second, third and fourth, at intervals of a year; but in 1837, this arrangement was abolished, and purchasers are now required to pay ten per cent of the purchase money on the day of sale, and the remainder within fourteen days.

How has this regulation operated?

Very injuriously in this Province, especially in the Island of Cape Breton.

What reasons were assigned for making it?

In a despatch from Lord Glenelg, 24th February, 1837, the tendency of the practice of paying by instalments is said to lead settlers to buy more than they require, and consequently to disperse them over a wider extent of country, than they can beneficially occupy, and in the cases of timber land, the system is declared still more injurious, as it induces speculators in timber to purchase the land on which it grows, by the payment of the first instalment, who, after stripping it of its timber, abandon it, whereby large tracts of land are for a long while left uncultivated and unoccupied.

Do these reasons apply in Nova Scotia?

No; there has not been, I believe, a single instance here, certainly not more than two or three, of persons buying more land than they want for their own use, and not a single instance probably of parties buying land for the purpose of despoiling it of its timber; on the contrary the greater part of the purchasers in this Province had been long previously settled on their lands.

In what respect has this rule operated injuriously?

By checking the sales of Crown Lands, few settlers being able to pay the full price at the time of purchase, and by occasioning the continuance and increase of the unauthorised occupation of the lands of the Crown. For example, the emigrants who resort to this Province, arrive utterly

or nearly destitute, and in almost all cases disembark where there is no demand for labor. These poor people of course cannot purchase, and they are consequently compelled, for the preservation of their lives, (their neighbours nearly as badly off as themselves, being little able to afford them assistance,) to take possession of the first piece of unoccupied land, granted, or ungranted they discover, whence they raise a few potatoes, on which, for the first two or three years they solely depend for their miserable existence. If the land is private property they are probably turned off, losing their improvements, or obtaining a very inadequate compensation for them; if it belongs to the Crown they are doomed to remain as long as they live, (provided the existing regulations continue) without any hope of obtaining a title, suffering in addition to their many and almost intolerable privations, the painful anxiety which an insecure tenure commonly occasions. In this manner Nova Scotia is, or soon will be, overrun by unauthorised settlers, and I learn from the Commissioner of Crown Lands in Cape Breton, that they are crowding into all parts of that Island, in such numbers that persons desirous of purchasing can scarcely select one lot to which some self-constituted settler does not set up a claim.

How would you propose to remedy these evils?

In the first place the extent of such irregular occupation of the Crown Lands, and the exact position of every lot held without authority, or under some incomplete title, with the name of the occupant, should be ascertained, in order that steps may be taken to quiet all such possessions, and secure to every settler, so situated, 100 acres of land, including his improvements, on condition of his taking out a title within a specified time, suppose three years. The acquisition of this information would be a work of great labour, and attended with much expence; but it must be obtained, or the consequence will be deplorable. In Cape Breton alone, it is estimated, that 20,000 persons, or one-half the population of the Island, are settled on, and maintained by land, for which they have no title, or merely a licence to occupy. Then presuming that no departure from the principle of sale will be allowed, I would recommend that the practice of paying by instalments be again permitted, that the first instalment should not be required from settlers, now in the occupation of Crown Lands, for three years from the date of an official notice requiring them to take out grants; the three other instalments being payable at intervals of a year. With respect to emigrants and natives in indigent circumstances, I would recommend, that on the payment of a moderate fee to the Surveyor General, they should receive tickets of location, and be considered as the future purchasers of the lots assigned to them, at the upset price, care being taken that their lots be duly surveyed, and plans thereof made, and returned before they are put in possession. The expence of the survey should in the first instance be advanced by Government, but would ultimately be paid, as forming part of the price of the land, by the settler, in four instalments, the first not being payable until four years after the date of the ticket of location. At the same time, ready money payments if deemed expedient, might be required from those who could command the full price at once. But if some such plan as this were adopted, the Crown Lands would produce little or no revenue for three years, and not enough to pay the ordinary expences of the Land Department for eight years. It would be necessary, therefore, to provide salaries

ere there is no
t purchase, and
a of their lives,
little able to
piece of unoccu-
they raise a few
solely depend
property they are
ing a very in-
Crown they are
ing regulations
g in addition to
anxiety which
Nova Scotia is,
I learn from the
they are crowding
sons desirous of
constituted set-

on of the Crown
thority, or under
should be ascer-
possessions, and
cluding his im-
a specified time,
ation would be a
but it must be
ape Breton alone,
population of the
which they have no
no departure from
that the practice
e first instalment
upation of Crown
requiring them to
able at intervals
indigent circum-
moderate fee to
ation, and be con-
them, at the upset
and plans thereof
The expence of
Government, but
of the land, by the
le until four years
ne, ready money
n those who could
plan as this were
revenue for three
ne Land Depart-
to provide salaries

for the Commissioners of the Crown Lands, which might be made chargeable on some other branch of the Casual Revenue. The present question, however, involves so many difficulties, that I am not prepared to answer it fully, but of this I feel persuaded, that, if the task were left to the Governor and Council, (and I do not see how it could be successfully accomplished except by persons possessed as they are, of an intimate knowledge of local peculiarities,) they would, with the assistance of the Commissioner of Crown Lands, have it in their power to frame some effectual plan for emerging from the existing evils, for the protection of illegal occupants of the Crown Lands, and for the better conduct of the settlement of the Province in future.

What was done at Cape Breton under the instructions of 1827?

If those instructions were inapplicable to Nova Scotia Proper, they were doubly so as regards Cape Breton, inasmuch as that Island was in a greater degree than the rest of the Province, occupied by irregular settlers, whose poverty had prevented their making application for the land on which they were settled, and who, consequently, could not be expected to purchase under the new regulations; and on referring to a copy of the instructions to Mr. Crawley, to whom the Lieutenant Governor then, (1827) offered the situation of Commissioner of Crown Lands, that gentleman so forcibly expressed his opinion, that their tendency would be to retard the lawful settlement of the country by the increased expense of obtaining grants, and to create much suffering among the numerous class of the population I have just alluded to, that it was not deemed expedient to extend the new system to the whole of Cape Breton; but authority was given to the Surveyor General to grant licenses of occupation, under the 11th section of the instructions, to the benefit of which saving clause the Island was considered to be entitled, as no part of the ungranted lands had been surveyed, and it might therefore be considered, to use the words of the document, "a district not surveyed." A great number of persons were settled under that authority until 1832, when the Secretary of State having expressed his surprise at finding that the system of sale had not been introduced; Sir Peregrine Maitland appointed Mr. Crawley, Commissioner of Crown Lands, and directed him to carry the instructions into full effect. From that period to the 31st December last, he appears to have sold 34,388 acres,—but the proceeds have not exceeded the expenses of his department. I beg to hand in a statement of the quantities sold in each year, and of the sums received by him,—taken from the return of the Commissioner of Crown Lands (paper No. 2) also a statement of the quantities of land granted, ungranted, and disposable in Cape Breton (paper No. 3.)

Your opinion as to the defects of the present system of sale may be collected from your former answers. What were the chief defects of the former one of 1808?

The want of some regulations sufficient to enforce the survey of lands assigned to settlers previously to their going into possession, and to oblige them to take out titles without delay. Many years commonly elapsed between the dates of the warrant of survey and patent, though the former was received by the settler on condition of his taking out a grant within six months. Many disputes and much litigation have arisen, and will yet arise from this cause.

Was the operation of the Boards of Land Commissioners beneficial?

The advantages expected from this establishment were not fully realized. A very laudable degree of attention was paid by some of the Boards to the business referred to them, and the information they afforded was frequently of much use in enabling the Governor to decide between the pretensions of contending parties. My opinion however, is that the appointment of these Boards did not conduce to the more regular settlement of the Province, and that their operation was not in the whole beneficial.

One of the objects strongly recommended to their attention was to urge settlers without titles to take out grants, the greatest evils having arisen from delay in this respect. It appears however, that while in the 6 years preceding their establishment, 2,733 persons received grants, amounting in all to 589,383 acres, only 182,724 acres were granted to 1010 persons during the six years of the existence of these Boards.

I have heard that large quantities of land heretofore granted, are liable to escheat—have you any thing to say on this head?

I regret not to be able to add to the information you have already received on this subject. It may be well, however, to state that in some cases, I apprehend, it will be found that lands which have been wholly neglected by the grantees or present proprietors, have been improved by persons without their knowledge or authority, sufficiently to exempt them from forfeiture.

Has it been determined that such improvements would bar an escheat?

Not judicially; but the Attorney and Solicitor General have recently given it as their opinion (paper No. 4.) that improvements so made by authorised settlers, if to the extent required by the terms of the patent, would have that effect.

What is the expense of escheating a grant?

About £20 currency; the expense being the same whether the grant be of 100 or 5,000 acres.

Who pays the expense of the escheat?

The person petitioning for it, who does so in expectation of obtaining a regrant of the land, or part of it for himself.

Are such applications for escheats frequently made?

Very seldom of late—probably not more than once or twice in a year.

What quantity of land has been escheated in the whole?

About 2,154,000 acres, of which 1,945,373 acres were escheated for the loyalists between 1774 and 1782.

Can you supply a statement of the quantity of coals raised, and of the revenues from Her Majesty's coal mines since they have been under lease?

Certainly, (paper No. 5.)

Also a statement of the annual charges on the casual revenues, and of the annual amount of the receipt of the fund?

I have already prepared such a paper, which I beg to present—(No. 6.) The amount of last year's revenue, exclusive of old balances and arrears received, was £5,794 8s. 5d. sterling, and of last years payments, (exclusive of the repayment of a loan from the Mining Association of £1,053 1s. 4d.) £4,198 11s. 6d. sterling, and the balance in hand on the 1st July, 1838, was £2,339 18s. 10d. sterling.

What is the amount of the net proceeds of the sales of Crown Lands

paid into the Casual Revenue since the first establishment of the system in 1827 ?

£1,042 12s. 8d. currency, or £834 2s. 2d. sterling.—From the sale in Cape Breton nothing has been received.

were not fully
by some of the
on they afford-
decide between
er, is that the
re regular set-
ot in the whole

tention was to
evils having a-
t while in the 6
received grants,
ere granted to
Boards.
ated, are liable

ve already re-
that in some
e been wholly
n improved by
o exempt them

would bar an

have recently
s so made by
of the patent,

her the grant

of obtaining a

or twice in a

escheated for

sed, and of the
n under lease ?

venues, and of

sent—(No. 6.)
es and arrears
yments, (ex-
Association of
in hand on

Crown Lands

E

Mr. Silas Smith.

Have you been long a resident in the Province ?

Since the year 1783.

Am I right in supposing you have considerable information on the subject of agriculture, and have remarked on most parts of the Province ?

I have, on every district of the Province ; my object in visiting them was to remark on the lands most desirable to be brought into cultivation, and on the lands incapable of improvement. I was employed by Government for this purpose. One object of the enquiry was to avoid running roads over a country not capable of improvement.

Will you favor me with the result of your observations on each district of the Province, in reference to soil, and to capabilities for agriculture ?

The Province is divided into fourteen counties. Digby county, until within a year or two, formed part of the county of Annapolis. It is the west portion of Nova Scotia, and contains about half a million of acres. One half of the county is a low mountain range of solid rock, with broken stone, and patches of earth, and some deeper earth that admits of cultivation. The parts of the county bordering on the sea admit of considerable cultivation—there is a large tract of good land at the west end, which is not settled for want of roads.

What portion of this county would admit of cultivation ?

About half of it is in some degree capable of cultivation.

Has all the land capable of cultivation been granted ?

All the blocks are. The isolated pieces are not.

How much of the granted land do you think is occupied ?

About one half is in some degree settled.

What portion of the occupied land is in cultivation ?

But a small part is under the plough. There is a great deal of pasture, which is necessary in order to keep a small spot well manured ; a farm requires cultivated land to produce hay for winter, and there is a great deal of barren required for cattle, the cultivation would be improved with more labour, and the land would be capable in proportion of maintaining more inhabitants.

Is there a large portion of land in possession of farmers left altogether out of use by occupiers of land ?

Numbers have large tracts in wood uncleared.

How much land does a settler think it necessary to possess on settling down ?

They think it necessary to occupy one hundred acres.

How long would it take an industrious man to bring fifty acres into cultivation ?

Some industrious men would do it in 8 or 9 years.

Is it a common thing to have a farm of 100 acres cleared ?

It is a much more common thing to have the cultivated ground, not to exceed 25 acres.

In cases where there are 25 acres cultivated on a farm, what quantity of land would be required besides ?

About fifty acres of pasture, and about 25 acres for wood.

What is considered a fair price for good lands in a wild state ?

The Government's upset price is 2s. 3d. per acre. It sometimes brings 5s. per acre on public roads ; good lands in a desirable situation, 14 miles from Halifax, have brought 10s. per acre. Land in this coun-

try is very variable in its prices, and is much an object of speculation ; but with all the changes, land has risen in its price, within 40 years, double ; within the last 10 years, I think land has not increased at all.

What wages are paid for labour ?

If paid in money, labourers 2s. exclusive of keep—in some cases they receive 3s. ; in winter there is a want of work ; the highest price is I think 3s. 6d.

Is there any want of labour in the country ?

There are plenty of hands every where.

What would be the price of a comfortable house for a settler ?

A log house would cost £20, a four roomed two story house, well finished, would cost £150.

What is given for clearing an acre of wild land ?

The average price for cutting down would be 35s. per acre, and it would cost as much more to roll and burn.

Would that prepare land for cropping ?

Yes.

How much more an acre would it cost to take out the stumps ?

On hard wood land, the stumps might be taken out in 8 years, at little expense ; in soft wood land they would not decay under 20 years ; in spruce land they would decay in 7 or 8 years.

You have said half of the lands in this district are granted, and only a portion of this is in actual cultivation ; how do you account for the remaining portion not coming into a state of improvement ?

The want of roads—settlers cannot go far from roads—they cannot afford to make roads for themselves.

What do you consider the expense of making roads per mile ?

A road sufficient for first settlements, could be made at £100 per mile, including bridges.

Do these remarks apply generally to other parts of the country ?

I believe they will pretty generally, at times there may be a little variation in wages from extra business, but things soon find their level.

What description of persons inhabit the county of Digby ?

A considerable number of French, descended from the old Acadians, who live very much to themselves, a quiet and harmless people, the remainder of the inhabitants are American Loyalists.

What is the character of Annapolis county ?

Annapolis county borders on the Bay of Fandy, and all that part towards the Bay contains a considerable portion of land capable of cultivation, about half the land in this county is worthless land, in solid hills of granite, or a kind of species of trap and slate. On some of the hills on the granite land, there is hard wood, and soil for cultivation.

Can any part of the trap or slate land be brought into use ?

It is quite useless I think.

Can you form an estimate of the portion of this county capable of cultivation, and the quantity that is granted, and that is barren ?

More than one-third is capable of cultivation, half the remainder is granite, with parts capable of cultivation, and the rest is trap, but having parts capable of cultivation.

Are any large portions of the good land as yet unsettled ?

There are no large portions unoccupied.

Is there much good land ungranted and remaining in the possession of the Crown ?

Very little in this county ; what there is, is in isolated pieces and separated by useless land, which prevents communication being made and kept up.

It has been said that the county of Annapolis comprises 900,000 acres, and about half is granted ; is that according to your computation ?

I have made no computation of actual surface, but this agrees sufficiently with my observations.

What portion of the granted lands do you suppose is in a state of cultivation ?

About one quarter is in some kind of cultivation. I question if more than one-tenth has ever been ploughed.

Does the county of Annapolis advance as much as might be expected in improvement ?

It has advanced but little of late years.

What is the cause of the slowness of improvement in this county ?

To a check in the fishing at one time, and to a general depression which has existed in the Province for some time—things are coming round.

What is the principal cause of neglect and want of roads in certain parts of the county more than others ?

The mode of managing the road money. Each individual in the House of Assembly wishes to have as large an appropriation of money to his district as possible, and the parts not inhabited are too much neglected.

Is there a good harbour for shipping at Annapolis ?

There is a good harbour for coasting vessels. I do not know about large ships.

Is there much ship building in this district ?

A number of small vessels are built here.

Are there any minerals supposed to be available in this county ?

There is rich Iron Ore. I do not think it has been properly worked, although attempts have been made to work it.

Has this county any other particular quality ?

In the Herring fishing there is a good deal done.

What is the character of the inhabitants of this district ?

They are partly descendants of American loyalists and partly Americans, who settled previous to the revolution.

What did you observe as to King's County ?

King's County is situated on both sides of the Basin of Mines ; more than half of this county is capable of cultivation, the other part is of granite hills chiefly.

Is this county much improved ?

It is better improved than Annapolis.

Is there much good land in this county still unsettled ?

There is very little I believe unoccupied.

Is it still capable of much improvement, and of increase of population ?

About Parsborough there is room for considerable improvement, and might support double the number of persons now in the county.

Has this county other resources besides agriculture ?

There is some fishing, chiefly of shad.—There is a native copper found here, but I do not think it goes to any extent—there is a native copper scattered, but no ore.

Is there much land still in possession of the Crown, capable of cultivation ?

Very little indeed in this county.

What country people settled this part of Nova Scotia ?

The majority of them are descendants of English families from New England.

What county borders on King's county ?

The north is bounded by Cumberland, which is the most northerly county of Nova Scotia.

What is the character of Cumberland county ?

There is a great deal of dyke marsh in the north of this county, bordering on New Brunswick, there is 80,000 acres in one marsh, the remainder of the county is a mixture of poor lands and granite hills; there is good land on the gulf shore.

Are there many inhabitants in this part of the Province ?

There are a considerable number of inhabitants who inhabit the head of the bay and the gulf shore.

What are the recommendations of this district ?

There is not much agriculture, except on the marshes ; there are considerable coal mines, which may be worked with advantage at any time. There is also a considerable trade in grindstones with the United States. Those grindstones are thought to be superior to any from Europe.

How is this part of the country supplied with harbours ?

The want of safe anchorage at the Grindstone Quay and coal mines, is a great draw back.

Could this not be remedied ?

I think a good harbour could be made at no great expense ; there is abundance of stone at hand which they are constantly working.

Have you crossed the neck of land which divides the Bay of Fundy from the St. Lawrence ?

Yes.

What is the distance ?

About 14 miles.

What is the nature of the country ?

A low flat sandy country.

Is the country much above the level of the sea on either side ?

I do not think any part more than twenty-five above the level of high tide at Cumberland.

At high tide is the level of the water on both sides supposed to be the same ?

At the top of high water I should think that the water would be 27 feet higher at Cumberland than the Bay Verte.

What is the rise of the tide at Cumberland, and what is it at the Bay Verte ?

I think seven feet is the rise of the tide at the Bay Verte, and sixty feet is estimated to be the rise of the highest tide at Cumberland.

Then you suppose at half tide, there would be an equal level ?

Yes.

Through what soil would the bed of a canal require to pass, connecting the Bay of Fundy with Bay Verte ?

Generally sand, with more or less loam.

Would such soil retain the water sufficiently for the purpose of having a canal ?

I think it probable, clay would be found below the sand, if not, clay would require to be brought perhaps 3 or 4 miles from the marshes, but I think clay would be found nearer.

What is the nature of the coast, where the canal would terminate?

It is shallow at the Bay Verte; it is deep enough for ships at the Cumberland side.

How would the country suit for rail roads?

I think remarkably well it might be a stright line—the country is almost a level.—It is the easiest place in Nova Scotia for a rail road.

In what part of the county are the coal mines situated?

They are at different parts, and on the shore of the Bay of Fundy, as well as on the Gulf of Saint Lawrence side.

Is there much room for increase of population in this district?

The country is capable of great improvement, and of great increase of population.

What is the character of the inhabitants of this district?

There are some French, who are the least respectable of the inhabitants, the rest of the inhabitants are generally industrious, and are descendants of Yorkshire people.

Is there much of the district remaining in the possession of the Crown?

I believe very little worth having, remains in the possession of the Crown.

What remarks have you made as to Hunt's county?

About Windsor it is very thickly settled, and the land is excellent, probably half the county is fit for cultivation, the remainder of the county is composed of granite and low land, a great deal of the land is considered fit for settling, and a great deal of the low land is from soil resting on plaster, but to be improved with cultivation, and may eventually be better than what is now counted richer land. A good part of this county is kept back, by being settled with a bad class of settlers.

Does this district offer any recommendation besides that of agriculture?

There is a great trade of plaster of Paris with the United States, all along the Basin of the Bay of mines, which employs a great many people.

Is there much of this district remaining ungranted?

I believe considerable.

Does this part of the county admit of much improvement, and increase of settlers?

The settlers must increase, and the county would benefit much by steady settlers. The land in this district requires care, and runs out of cultivation when neglected.

What is the character of Colchester district?

It is very populous, there is a good deal of valuable marsh round the head of the Bay of Choquod, and good land on the river Stewiache; there is also a mixture of timber land, and land fit for cultivation, there is no extensive waste or barren in this district, and the county is settled with an industrious people, the descendants of Irish Presbyterians from New England and Loyalist families.

Is there much of this district remaining ungranted?

Not much that is good for any thing.

Is the land so held as to admit of much division and increase of population?

Yes there may be great improvement, and the population might be doubled.

What is the character of the Pictou district ?

There is a great deal of good land in this district ; some near the shore, and on hard wood hills ; there is a valuable mine of coal near the harbour, which is rapidly increasing in importance, there is also plaster of Paris, but not near enough to the shore to be worked, they have also tried to make salt.

What description of settlers are to be found in this district ?

The great majority are the descendants of the Highlanders, a good many neglected their farms in consequence of the lumbering business, and are not so well off now.

Is there much land in this district still ungranted, and capable of cultivation ?

Not much, as I should think.

Is the land improved as it might be ?

The most of the settlers have more land than they require, and there is room for great improvement.

Does Sydney county possess good land ?

It is much such a district as Pictou, as to agriculture, but no coals have been found in it.

Is this county well settled ?

Some parts of it are, the southern coast has a great deal of bad land. There are many good harbours on the shore, and the people prefer coasting and fishing to farming ; there is also a coasting wood trade.

Is there much opening for improvement in this county ?

There is considerable.

What class of people are settled in this district ?

Acadian French, Highlanders, and some of Irish descent, with some American Loyalists.

Does Halifax county possess much good land ?

No.

Is all the land capable of cultivation occupied ?

Chiefly, except in isolated spots, and when a want of roads prevent settlements.

What portion of the whole county is applicable to agriculture ?

About a fourth part.

What is the remaining portion of the county composed of ?

Large tracts of almost naked granite, trap, and slate rocks, capable of producing very little.

Is the good land in the county of Halifax pretty generally occupied ?

Yes, pretty well.

Is there room for many more settlers ?

Yes ; particularly on the coast, where there is great neglect on account of the fishing. There is excellent mackerel and herring fishing off the townships of Halifax shore.

What kind of land is to be found in Lunenburg county ?

About one-third is worthless, on account of being naked granite, the remainder has some good land, particularly about Lunenburg. In this county the people are frugal and industrious—they are of German descent.

Is this county well peopled, for the proportion of land at the disposal of the inhabitants ?

It has almost treble as many inhabitants as any other portion of the Province, of a similar character.

Have you been on the Lahave River ?

Yes.

Is that part of the country well filled and improved ?

It is pretty generally ; this county is pretty well peopled every where, the south-west part is not so much settled, this part will be more thickly settled and will improve yet, the land there requires a good deal of manuring.

Are there any mines or minerals in this district ?

There is a probability that iron ore may be found here.

Has coal been found in the vicinity of Lahave River ?

No ; it is not the kind of country to produce coal.

Is any part of the southern coast of this Province likely to contain coal ?

No ; there is no probability of it.

What is the character of Queen's county ?

One-fourth of it may have a portion of land fit for cultivation, one-half of it is totally floating bogs and barrens, and unfit for anything ; the other fourth is timber land.

Are there many inhabitants in this county ?

Not many ; the Town of Liverpool is the most important place, and has a good harbour for shipping, and there are several good harbours for coasting craft.

What are the productions of this county ?

The timber used to be good, but it is nearly exhausted ; the Liverpool people have been carriers, and are so still ; there is also a considerable fishing carried on from Liverpool.

What is the character of the people of this county ?

That of the people are descendants of people who came from America before the war. There are also many descendants of American loyalists.

Are they not an agricultural people ?

No—there is not much room for agriculture.

What proportion of the county of Shelburne is capable for cultivation ?

About a fourth part of it is fit for cultivation and pasture.

What is the character of the remaining portion ?

Of the remainder more than half is barren—unfit for timber, the rest of the county has some timber, especially some oak, fit for ship building.

Are there many inhabitants in the county ?

Shelburne and Barrington are the principal places ; at Shelburne, there is a trade in granite which is increasing. Barrington is getting a fair fishing business, and carrying trade—the rest of the county has few or no inhabitants, except on the Sea Board. If this Province ever becomes a manufacturing country, the numerous streams of water in this county fit for mills, will make it valuable.

What class of people inhabit Shelburne ?

Most of the people are descendants of American Loyalists.

Is there any part of Nova Scotia not yet described by you ?

Yes. Yarmouth county, which was a portion of Shelburne county, till lately this county is rather less than half barren, and the remainder has a large proportion of habitable land, intermixed with swamp. The shore is pretty thickly settled. The interior has few inhabitants, the

people lumber a great deal, but if roads were made in this county, the agricultural population have succeeded so well, that much improvement would be made.

How was this county settled ?

Yarmouth Town was settled from Americans, before the Revolution, the remaining part of the settlers in this county are descendants of Loyalists, except a small settlement of Acadian French.

What is the principal occupation of the inhabitants ?

Fishing, ship building, and carrying lumber, the people are striving and industrious.

Is the prosperity of the Province much checked for want of roads ?

There is a want of roads in some parts, and in other part, roads are not kept in repair. I have seen such beneficial effects produced by good communication, that I am sure the prosperity of the country depends upon it.

What system is now provided for road making ?

There is a statute labour of six days to each householder, and for labourers and other persons, two days ; the labour is under the direction of overseers and commissioners.

Does this system of statute labour work well ?

In many places the people don't work, as they ought.

Does the system of statute labour cause a proper division of labour in improvement throughout the country ?

The overseers generally attend to parts of roads, and to particular districts.

What is the case when 10 miles or more of a road require to be run through unoccupied land ?

This must be entirely done by grant from the House of Assembly.

Does it sometimes happen that a road runs a distance through land capable of improvement, but having few or no settlers ?

Yes, between Shut Harbour and Musquidabit. I suppose there is over 20 miles of land capable of cultivation, with only one settler.

How do you account for this ?

The land belongs to people who do not intend to settle on it themselves, but who hold the land on speculation.

Would this land be occupied, if people could procure it in small lots ?

I do not doubt but that it would.

Would not the proprietors part with this land on moderate terms ?

A great many people have false ideas about land, and think it worth a good deal more than it really is.

Are there many parts of the county kept out of cultivation, in the same way as the portion you mention ?

A considerable portion in many places.

You consider that the large blocks of land, being in the hands of proprietors, and not undergoing improvement, are a decided check to the advancement of the country ?

Yes I do.

What do you propose as a remedy for this evil ?

We have an Escheat Law, but in cases of 100 acres, the expense of escheat and obtaining a fresh grant is so great, as in many instances to prevent application for escheat being made. If lots were escheated at

the expense of Government, and then disposed of as Crown Lands, there would be many lots applied for settlement.

What would be the expense of escheat for 100 acres as at present?

People have paid £250 for 100 acres for escheat and grant.

What in your opinion would be the effect of a tax, in the form of a penal tax on lands not improved.

A tax would cause these lands to be settled or disposed of.

What ought to be the amount of such a tax, provided the same was judiciously applied towards the improvement of the country?

In each 100 acres of land capable of making a farm, there should be a tax equal to the price of six days statute labour, say 15s.

Do you consider that farms settled, and other improving proprietors should contribute to the same tax?

They should contribute in the same proportion of six days work for 100 acres. The work now given to count.

Has much money been granted towards roads, by the House of As. ssembly of late years.

Considerable sums; last year, I believe £10,000 was granted, some years I believe £24,000 have been granted.

Is this money in your opinion well appropriated to meet the purposes intended?

It has done much benefit to the country, but might have done much more. It is very often spent much more where it is not wanted, than where it is. It is frequently given to populous districts, where the people can make their own roads, the uninhabited country gets but little; it is also frequently divided into small sums, and put into the hands of a number of commissioners, who generally know little about road making.

And why is this the case?

Great part of our Representatives think it their duty to oblige as much as possible their constituents.

Is it the case that absentees and persons holding lands not occupied, or in cultivation do not contribute in any way to making roads?

I believe they do not now at all.

Have you occasionally done duty as surveyor?

Yes.

Can you state the mode in which you put a settler in possession of his ground?

I take the nearest angle or boundary of a lot already appropriated, or a lake or some known place, and run off the lot from that.

Can such surveys be depended on?

Several of them cannot, in some places 10 per cent must be added. The grants on the shore are not to be depended on. The old surveys are very inaccurate.

Does it ever occur that the same land has been granted twice over?

Frequently it has been the case.

Is there much litigation caused by inaccuracy of surveys?

A good deal.

What expense does a settler incur in obtaining possession of land, including fees, but exclusive of purchase money?

He pays nothing for survey, but assists the Surveyor with his labour.

When a settler is desirous of possessing Crown Lands in the country, how long would it be before he could get possession of his land?

If he knows what piece of land to apply for, he might be located in a month.

How much money ought a man to have to settle down with good prospect of success, supposing he has five in family (not including the purchase of the land)?

He ought to have £100. Some would get on with less. A man would, the first year, require to cut down, the following year he must crop the land.

Could a man so settling afford to pay any rent after a few years?

He might pay some.

Could he pay 3d. an acre the fifth year?

I think he might.

Could he pay more the following year?

He might 6d. an acre.

How much could he pay the 7th year?

He could probably pay 9d.

What do you think would be right to ask for the remaining years?

I should say 9d. an acre would be enough.

Do you think the above conditions would hold out such encouragement, with permission to buy at any time at 20 years purchase, and would those terms in your opinion, be such as to lead to improvement in the country?

I think it would when the land is worth settling, if the tenure is for 999 years.

Would any security be required to prevent persons abusing such offers, as those, by cutting timber, and deserting the properties?

It would be necessary to have security.

What would constitute a sufficient security in such cases?

Persons ought to be prohibited from selling timber, unless they purchase the land; this would prevent many from taking land on the above terms, the Surveyor ought to report if it is timber land or land for cultivation.

Would a survey of the country, such as could be depended upon, and one that would enable land to be accurately ascertained, advance the general welfare of the country?

It would cut off a great deal of ground for litigation, besides it would afford facility for acquiring new possession for settlers coming to the country, it would, particularly if old grants were escheated.

How would you describe the Province of Nova Scotia as to its Geological character?

The greater part of the Province is a low mountain range, running the length of the Province, resting on solid rock of granite, trap and slate, alternately. The trap forming broad and the slate narrow band. The average amount of soil mixed with broken stone above the rock, would be about three feet, the best lands on this are inferior to good lands, or a different formation. The shore of the Bay of Fundy, from Long Island to Cape Split, is a different rock, the basis of which is almost every where. Amygdalvid, that is separate from the Ancient Rock above named by St. Mary's Bay. Annapolis Basin, the valley through which Annapolis river runs, and the Cornwallis river. In addition to this, you must except all that part of King's County, which is east of the Basin of mines, and the half of the Counties of Hunt's Cobequoid, Sydney, and Guysb-

through, the quarter part of the counties of Cumberland and Pictou, and a very small portion of the county of Halifax, on Musquidabit; these lands rest upon sand stone, grey marble, gypsum, limestone, porphyry, and many other kind of rock, and the soil of the good lands on these are deep—barren portions are chiefly sand and clay, in this district all our coal is found, in the neighbourhood of Gypsum, salt springs are very frequent, and also a species of magnetian limestone, containing abundance of the shells of young cockles, all about one size, something less than half an inch diameter, appearing to be the same species as a cockle now living on the shores, which when full grown, is about two inches in diameter, seeming to indicate, that the material which formed these masses of limestone was raised from the sea at one time, as the cockles they contain are about the size of the young cockles of four weeks old. There are strong indications of copper ore in this district, as from Cumberland, along the Gulf shore to Pictou, copper ore is frequently found in small quantities in the sandstone. The Intervale or Alluvial soil is only found in those rivers which have gypsum at the head, and often at the sides of the Intervale. Streams in many instances above the gypsum, pass over such barren and rocky ground, that it appears they could hardly have brought any soil from the part above the gypsum.

Within the last twenty years in your opinion, has the population of the Province increased in a fair ratio?

Taking the whole Province, there is no doubt there has been an increase.

Has the increase been from the natural growth of the Province or from emigration?

From both.

Has there been any emigration from the Province?

There has been from Halifax.

Has there been much from other parts of the country?

There has been some.

Do you consider the improvement of the country has been as great as it might have been, had roads been made with more skill, and if that part of the Revenue appropriation had been well laid out for the settlement of wild lands?

Certainly not.

What portion of the land of the Province, available for purposes of agriculture is at present occupied?

Including improved pasture, I should think one half.

Is that portion of land described by you as occupied, capable of further improvement, and what further population would be required?

It would support twice the number of inhabitants by improvement, better than it does the number at present on it.

Is there any great room for extension of the Fisheries now carried on in this Province?

I think there is great room for improvement; we ought to succeed better than the Americans, who though double the distance from the fishing grounds than our fishermen, carry on a more extensive business than we do.

In reference to the mineral productions of the country, is there in your opinion room for any great increase of business?

There are more coal mines than could be opened; the grindstone business is increasing rapidly, and the plaster of Paris offers an inexhaustible

supply of that material. We are also begining to export granite to the United States.

Is there much opening for a continuance of the timber trade of the Province?

The timber trade is diminishing very much, and there is no probability of an increase at any time in the business.

Are the memoranda you are referring to, those which were made at the time of your making those observations on the county in question?

They are my Journals, which were written every night, while I was making those observations.

and Pictou, and
squidabit; these
stone, porphyry,
nds on these are
district all our
springs are very
containing abun-
something less
ecies as a cockle
ut two inches in
ch formed these
, as the cockles
four weeks old.
ct, as from Cum-
requently found
or Alluvial soil is
ead, and often at
bove the gypsum,
pears they could
psium.
he population of
been an increase.
Province or from

been as great as
skill, and if that
ut for the settle-

e for purposes of

apable of further
ired?
y improvement,

now carried on in

ought to succeed
stance from the
tensive business

is there in your

grindstone busi-
an inexhaustible

J. W. Nutting, Esqr, Commissioner of the Court of Escheat.

When was the Court of Escheat established in the Province ?

The first Commissioner of Escheat was appointed in 1770.

Will you be kind enough to state the object of the Court ?

The object of it is to reinvest the Crown in the possession of such grants of land as may have been made under certain terms and conditions of improvement or otherwise, and which have not been complied with.

Were the terms required, of a general character ?

They comprehended cultivation of a certain portion of land, and payment of quit rent to the Crown,

Was the quit rent a fixed sum in all cases ?

It was in all cases 2s. sterling per 100 acres, to the best of my knowledge.

Has any Act of the Province been passed at any time to put an end to the right of the Crown to Escheat for non-fulfilment of engagements ?

None such have ever been passed, certain Acts have been passed to grant possession, under defective titles, when settlers have held and improved property.

What is the mode of proceeding to obtain Escheat ?

Persons desirous of possessing land said to have been granted, but unimproved, or the grantor or proprietor being dead or absent from the Province, apply by petition to the Lieutenant Governor, stating the situation of the land, its unimproved or abandoned state, and accompanying his statement by the affidavits of two respectable neighbours, who are acquainted with the circumstances. The petition upon its receipt at the Secretary's Office, is referred to the Surveyor General, who reports whether the lot was granted as stated, if no particular reason is given by the Surveyor General, to prevent the Escheat, the Governor approves of proceeding being commenced, and the Secretary is directed to apply to the Attorney General and desire the usual measures to be taken. The Attorney General files an information with the Registrar, who forthwith advertises that an Inquest of Office will be taken before the Commissioner of Escheat and forfeiture, touching the improvement upon the land, and the usual time of notice is 4 months in the Royal Gazette. If the Crown is desirous of getting possession of a piece of land situated as above, the Attorney General is directed to file an information accordingly. The Inquest of Office is taken at Halifax, before the Commissioner, and a Jury of twelve or more freeholders, summoned by the Sheriff, upon a precept issued by the Commissioner. Evidence oral and documentary is admitted to prove the non-compliance with the conditions contained in the grants from the Crown, and evidence is allowed to be produced on the part of the grantees, or their assigns, to prove the fulfilment of such conditions. The applications have invariably been made on the ground of the non-settlement and want of improvement of the land. By an Act of the Province, 51st George 3d, public notice must be inserted in the Royal Gazette at Halifax, and also put up at the Church and Court House doors in the county or district where the lands lie, and notice served personally on the tenants or occupant (if any) at least three months before the inquest is held. The inquisition is returnable into the Court of Chancery, and transferable in the Supreme Court of the Province, in the same manner as in the High Court of Chancery or Court of Exchequer in England; the same Act provides that no lands that have been

escheat.

vince ?

70.

rt ?

on of such grants
conditions of im-
ed with.

land, and pay-

t of my know-

o put an end to
gements ?

e been passed to
ve held and im-

anted, but unin-

m the Province,

the situation of

anying his state-

o are acquainted

t the Secretary's

whether the lot

y the Surveyor

es of proceeding

to the Attorney

e Attorney Ge-

with advises

oner of Escheat

d, and the usual

own is desirous

ne Attorney Ge.

The Inquest of

a Jury of twelve

receipt issued by

mitted to prove

grants from the

the part of the

uch conditions.

nd of the non-

an Act of the

ed in the Royal

Court House

erice served per-

months before

o the Court of

e Province, in

or Court of Ex-

s that have been

escheated to the Crown shall be granted to any person, until after the expiration of a year from holding the inquest, unless to the original grantee or his heirs.

What expense is incurred on an average, by parties obtaining escheats ?

The average amount of fees and expenses upon an inquest of escheat, is about £20 Halifax currency, liable to be increased, however, by the expenses of procuring evidence and the examination of witnesses. The following are the usual fees paid on an inquest of office :—

The Commissioner	....	....	£3 10 0
Attorney General	....	....	3 10 0
Solicitor General	....	....	2 6 8
Surveyor General	....	....	1 3 4
Registrar	....	....	3 3 4
Jury	....	....	1 10 0
Sheriff	....	....	1 3 4
Clerk	....	....	2 11 8
Crier	....	....	0 2 6

£19 0 10

And advertising is about 25s. or 30s. in all about £20 currency. The expense of the escheat is increased without reference to the quantity of land, and is the same for 100 acres as for 1,000, or any greater quantity. The expense could not well be diminished, considering the duties necessary to be done. The probable reason of the infrequency of escheat is the delay and additional expense of obtaining a grant in this way. There has been no case of escheat for upwards of four years past.

Are there many cases where the expenses of escheat have gone beyond the above named sum ?

Very few, much beyond, to my knowledge.

Have applications in all cases been successful ?

No ; but I believe there have been very few exceptions ; in some cases, however, the notice has been given, but not further prosecuted.

Are cases of escheat of frequent occurrence ?

During the twenty years from 1818 to 1838, there have been thirty-four inquests of office taken in the Province ; upon application for escheat ; large tracts of lands have been escheated to the Crown, and regranted but in no manner of proportion to the grants that are no doubt liable to escheat for want of fulfilling the conditions of the grant as respects improvement, the applications for escheat have been much less frequent for the last ten years than for some time previous.

Was this Court much resorted to, or Escheat frequently passed previous to 1818 ?

Frequently ; especially about the year 1783 and 1784, when the American Loyalists came in numbers to the Province.

Do you consider that there is much land in the Province at present liable to Escheat ?

There are large tracts of land in the country formerly granted, and yet unsettled, and therefore liable to Escheat.

Are there any objections made to the method of proceeding in the Court, or are the terms in any way considered hard towards the proprietors ?

I have never heard of any complaint in any way.

You have stated £20 to be the sum incurred in cases of Escheat ; how is that sum appropriated ?

It is appropriated to the payment of the fees of the officers of the Court (none of whom receive any salary) and of the jury.

From the time of application for Escheat, how long is it before the case can be decided ?

The shortest period must be three months from the time parties apply before the Escheat passes.

Is there any delay in the proceedings of the Court ?

None to my knowledge, unless what arises from the delay of the applicants in procuring sufficient evidence.

You have stated that the land Escheated cannot be regranted in less than twelve months from the time of Escheat, except to the original grantee ; it would therefore require at least fifteen months to put any other party in possession ?

Yes.

Do you consider the delay required in regranteeing the land to be necessary ?

I should suppose it could only be necessary for the purpose of giving original grantees sufficient time to come in to traverse the Escheat, and obtain a reversal in the Supreme Court. I think the time might be shortened when parties reside in the Province.

Are there any cases of Escheat now in progress ?

There is one application now pending.

Richard Brown, Esq. Mining Engineer.

Have you resided long in the Province of Nova Scotia ?

Since 1826, except for a short interval.

What part of the country have you principally resided in ?

Pictou and Sidney.

You have given attention to the geological character of the country—will you be kind enough to state what you have collected on this subject in the Island of Cape Breton ?

The most valuable mines yet discovered in Cape Breton are the coal seams ; several other minerals have been reported, but are not yet attended to, from want of sufficient encouragement after investigation has been made. There are Salt Springs, which I think may be brought into operation, and which would, in connection with the Fisheries, be very valuable, and would afford a market for Coal of a description that cannot be shipped.

How long have the Coal Mines been in operation ?

About fifty years from the first beginning.

How were the Mines worked in the first instance, and by what parties ?

They have always been leased by the Crown, and worked by different parties ; the leases were of short duration, and no great advancement was made in improving the working of the Mines. In the year 1827 the Mines at Sydney were let by the Crown to the General Mining Association for sixty years ; the parties pay £3,000 Sterling per year, per 20,000 chaldron, Newcastle measure, and 2s. for every Newcastle chaldron above that quantity. The terms embrace all the Coal Mines of the Province, and are granted to the same parties.

How did you find the Mines at taking them in 1827, and what was their produce ?

They could not have worked them much longer on the plan then pursued ; the produce was about 4,000 Newcastle chaldrons per year ; the Company that leased them at this period introduced Steam Machinery, and opened new pits, and the Mines have of late years been regularly increasing, and last year they produced about 70,000 tons.

In your opinion is this increase likely to go on ?

There is every probability of it ; the demand is increasing, and we are expending more capital for the purpose of extending the works to meet it.

Is there any doubt as to the Coal being in such quantity in the Country, as to meet future demands ?

There is Coal enough in Cape Breton to supply the world for centuries.

What is the price of Coal at the places of shipment ?

At Sydney it is 14s. 6d. Currency per ton, Bridgeport 14s., delivered on board the vessels.

What is the quality of the Coal ?

It very much resembles the Newcastle Coal, and I consider it quite as good for domestic purposes.

Has it been much used for Steam Machinery ?

It has not been so much used for this purpose, as there is a superior Coal for Steam purposes worked at Pictou, to be obtained rather cheaper.

What are the principal markets for Sydney coals ?

More than half goes to the United States—the remainder to Newfoundland and Nova Scotia.

Does the annual demand exceed the means of supplying ?

Last year we were scarcely able to supply the demand, but we shall have more that will be wanting this year.

Is there any want of labor at the Island ?

There are a sufficient number of common laborers, but we feel a want of colliers.

Are you acquainted with the character of the coal produced in the United States ?

The only mines available and worked to any great extent in the United States, are the mines of Pennsylvania, which are anthracite coal, and in my opinion never can come into competition with the Nova Scotia coal for steam purposes.

What is the duty in the United States on coal imported from British America ?

It is an advalorem duty, it is now about 8s. currency per American chaldron, of twenty two hundred weight.

Are the harbours at Sydney and Bridgeport safe and adapted for shipping of large dimensions ?

Sydney is without exception the finest harbour in the Province, and is capable of admitting vessels of any burthen and to any number. Bridgeport is a bar harbour of only 11 feet of water, it is quite safe for vessels that can enter it.

What is the extent of manual labor now employed in connection with the mines in Cape Breton, and what extent of machinery ?

There are about 500 men constantly employed, and during the shipping season about 100 more,—there are also 1 engine of 80 horse power, and 1 of 30 horse power, and 3 of 20 horse power each, and about 90 horses.

Has Cape Breton much capability as an agricultural country ?

There is a great deal of very good land, but it is generally occupied by settlers with little spirit of industry or improvement. The climate of Cape Breton is not so favorable to agriculture as Prince Edward Island, and some parts of Nova Scotia.

Is there much good land remaining unoccupied ?

Most of the land having a frontage on water is occupied ; there is a large lake in the middle of the Island communicating with the sea, which is navigable for ships, and affords access to almost every part of the Island. I do not think that above a fourth of the land capable of cultivation remains unoccupied in the interior for want of roads to it.

What do you consider to be the population of Cape Breton ?

About 35,000 souls.

Has there been much emigration to the Island of late years ?

Not a great deal lately.

Does Cape Breton grow sufficient produce for its consumption ?

No—they import a great deal of flour annually, and also indian corn and other produce.

Is there any difficulty in procuring labour at Pictou ?

There are plenty of common Labourers ; but we are obliged to bring out Colliers from Scotland at a great expense.

What are the wages given to common Labourers ?

From 3s. to 4s. per day, finding themselves ; the Colliers earn from 7s. to 10s. per day.

Has Cape Breton any other natural resources than the Mines you have mentioned ?

There is abundance of Limestone in various parts of the Island applicable to agricultural purposes. There is also Building Stone, (Freestone,) and Gypsum exists in great abundance in the Island, in places favourable for shipping. All these might be turned to account.

Are there Fisheries in the Island to any extent?

There are very fine Fisheries; the principal are at St. Peter's Bay, Gabances, Pento Newri, Ingarichi, Cape North, and Margaria. The Fisheries are not by any means carried to the extent they might be.

You are also connected with the Coal Mines at Pictou, will you be kind enough to state how they are worked, on what plan, and to what extent?

They are worked by the General Mining Association, under the same lease, on the same terms as the Cape Breton Mines. The Company got possession of them in 1827, before which time the product did not exceed 1,500 Newcastle chaldrons. There has been a regular increase of produce since that time, and during the last year 48,000 tons were exported, principally to the United States.

What is the quality of the coals?

It is bituminous, well adapted for steam purposes, and for manufactories of all kinds. It is also an excellent coal for producing gas.

From the demand for this coal of late, is there a probability of any greater increase?

Decidedly; we cannot keep pace with the demand; but we are now greatly extending the works, so as next year to be able to double the present produce.

Is the increased demand principally for steam navigation?

Yes, it is; the coal is becoming more generally known for its good qualities in this particular, and I have a report from the Captain and Engineer of the Sirius, which used Pictou coal on her last voyage from New York to England, and they consider it preferable to Liverpool, but not equal to Swansea coal, which is considered the best of all English coal for steam boats.

Do you employ steam engines at the mines at Pictou?

We have one engine of seventy horse power, two of thirty horse, one of twenty horse, one of fourteen horse, and two of eight horse power, each employed at the mines. Also about 100 horses and 350 men in regular employ, and at present 500 men. There is an iron foundry, where we manufacture steam engines. We have also two steam boats employed in duties connected with the mines.

What is the price of coal at this place?

13s. 6d. Currency per ton, delivered on board.

Is there a large field of coal at this place?

There is a very extensive field of coal, and no probability of its being exhausted for centuries.

Is the harbour at this place favourable for shipping?

It is considered a safe and good harbour for vessels of all sizes.

Are there any other articles of export from Pictou besides coals?

There are grindstone and freestone quarries, of very good quality, and worked, but not to a great extent. There are also a few cargoes of timber exported annually from Pictou, and occasionally some agricultural produce.

Is the land generally settled about Pictou?

It is pretty generally settled for twenty miles round Pictou.

Have you visited other parts of the Province?

Yes, I am pretty well acquainted with and have visited the Northern and Eastern portions of the Province.

Have you observed on the mineral productions in those parts of the country?

There is an extensive coal field in Cumberland county; there are also very fine grindstone quarries in the county, which supply the United States; beds of gypsum, also of good quality, and very fine quarries of freestone. There are salt springs, but they are in the interior of the country.

Are all the other productions you mention accessible to shipping?

A few beds of inferior coal are situated on the water, but the best seam of coals is about twelve miles from a shipping place. The gypsum, the grindstone, and freestone quarries are all near places of shipment.

Have other minerals been discovered besides the above in the Province?

Casual deposits of small extent of very rich ore of copper have been found at Tatinagouche, Toney's River, Caraboo River, and on the West River of Pictou, but we have never been able to trace them to a regular code. The Company are now continuing their researches more particularly for copper and lead on the Shubenacadie River, with very good hopes of success. There is a large iron vein near Pictou, but it has not been found of a quality to encourage working.

Have you examined the part of the county of Cumberland between the Bay of Fundy and Bay Verte?

Yes, I have.

Have you made any examination as to the practicability of cutting a canal?

I consider the ground is very favourable for such a measure, and that the project is practicable.

What is the nature of the ground?

Generally red earth and clay, and it would be quite impervious to water.

Does the country rise to any height?

No it does not. It is nearly a level country.

Do you know the rise of the tide at the extremity?

The rise on the Bay of Fundy is 68 feet, at the Bay Vert it is 7 or 8 feet.

What is the nature of the soil of the country through which a canal would pass?

It is a rich red soil, highly productive, and the country in the vicinity is generally well settled by people who are doing well as farmers.

Are you acquainted with the depth of water on the coast on either side?

On the Bay of Fundy side there is plenty of water. On the Bay Verte side the coast is shoal, and the mouth of the canal would require protection by a breakwater.

What would be the length of the canal?

About fifteen miles; but by taking advantage of the Au Lac River the distance would be shortened four or five miles.

In observing on the Province generally, do you consider there is as much improvement of late years as might be expected in a new country with the resources that are available?

Decidedly there is not.

To what do you attribute the want of improvement?

The present settlers occupy too much land. They have more than they can improve. The country wants opening out by roads through lands capable of cultivation. A great drawback also arises from large tracts of land lying in an unimproved state, belonging to persons not settled on them.

What remedy do you think could be applied to remove the evils above mentioned?

By adopting some plan for the bringing the good land,—now in a wild state,—into improvement.

Do you consider a penal tax, in the form of a tax on unimproved land, with a remission of the fine in proportion to improvements, would have that effect, provided the amount of such tax was judiciously applied to making roads and to other improvements in the country?

I think that would be the best remedy.

What, in your opinion, ought to be the amount of such a tax?

Five shillings per hundred acres.

To your knowledge is there a deficiency in the surveys in the Province?

There is a want of a good map of the country, and at a future day I am afraid there will be much litigation on account of the inaccuracy of the old surveys in purchasing land. I have made surveys and have found great errors in the original surveys that have been made.

Have you any remark to make as to the system of road money, and the system of road making?

The present system is very defective, about £10,000 are voted annually for the roads, which is generally expended in small sums, by persons wholly unacquainted with road making. I understand there are this year 800 Commissioners appointed to spend £8000; we shall never have good roads in the Province under such a system. I would recommend a large sum sufficient to make all the main lines in the Province, to be borrowed, and the interest to be paid out of the annual grant that is now made, we should then have in two or three years good roads throughout the Province, and wilderness lands opened out and brought into cultivation. I think it would advance the Province at least half a century, taking its present rate of progress. The determination of the lines and control of the expenditure should be managed by three or four Commissioners, more attention would be paid to the drawing of the roads, and covering them with gravel, where it can be obtained, and there are few places where it cannot.

What is your opinion as to the system of working roads by statute-labour as now acted upon?

I think the whole of the labour is thrown away—this kind of work is abused and thought lightly of. There ought to be a tax in money in lieu of labour.

Mr. James McKenzie, Draftman in Surveyor General's Office.

Have you resided long in the Province ?

Twenty-five years.

During that time have you visited different parts of it ?

I have visited most parts.

What have been your principal occupation ?

Until within seven years I followed the farming business, and since that time the surveying business, both in the field and in the Surveyor General's Office.

Have you attended to settlers on their first arrival in the Province, in obtaining grants of land, and getting them into possession of the same ?

I have done so, particularly in Cape Breton.

Will you state the mode of proceeding in the above cases in Cape Breton and also in Nova Scotia, as far as the latter has come under your attention ?

The lots after being surveyed were set up at public sale and sold to the best bidder, and in some cases individuals were allowed to obtain them, upon paying the upset price. In Nova Scotia most of the lots sold have been in detached situations, and particularly applied for by the parties who purchase them.

You are acting in this Province as an authorized surveyor ?

Yes.

Have you in many instances found it impossible to make correct surveys in consequence of inaccuracy as to former lots of land, which, of necessity, you measure from ?

I have, and also from surveys being inaccurately made by persons not qualified. In the latter cases I have ascertained the inaccuracies that could not be altered in consequence of improvements made on them—in many cases also the boundaries of lands granted, have never been surveyed or laid out at all.

Is the present state of surveys inadequate and injurious to the settlement of the land ?

Yes.

Are there a sufficient number of qualified surveyors in the country to answer all purposes that might be required of them ?

There are well qualified surveyors to act, if sufficient encouragement was held out, but at present any person is allowed to survey, except in Crown lands, and this prevents qualified persons entering into the business.

Have you given attention to the roads in the country ?

I have taken surveys of roads, and have acted as overseer in constructing roads.

What is the application of the system of road making by statute labour ?

The cross roads are generally made by statute labour, and the people have their interest so much at stake, that they enter heartily into it, but in the neighbourhood of towns, some people pay persons to work for them ; there is much abuse in the system, by inadequate and inferior persons being employed. There is also great mischief from the non-employment of adequate persons to manage the labor on the roads ; in my opinion, money is frequently thrown away from the above causes.

Office.

ess, and since
in the Surveyor

ne Province, in
of the same ?

es in Cape Bre-
me under your

and sold to the
o obtain them,
e lots sold have
oy the parties

or ?

ke correct sur-
and, which, of

by persons not
accuracies that
on them—in
been surveyed

s to the settle-

he country to

encouragement
vey, except in
ring into the

r in construct-

g by statute

nd the people
ily into it, but
to work for
and inferior
the non-em-
roads ; in my
causes.

Is there any defect in the mode in which grants are made for the construction or improvement of roads ?

Yes., great defect ; monies are given in such small quantities, that roads are not completely made throughout ; if money was given to complete roads at once, those roads would be brought into immediate use, and would confer benefit on the country, but at present probably one-tenth of a road is made each year, till the whole is complete, and, therefore, the communication throughout cannot be taken advantage of. The waste of money, and the injury caused by the system must be too evident.

Taking a distance of road, what would be the average expense of constructing it per mile through wilderness lands ?

One hundred and fifty pounds.

What would be the average rate of making road through clear land ?

Eighty pounds.

What is the average quantity of cleared land generally made by settlers ?

Between fifty and seventy acres cleared, is considered a good farm.

Is that quantity all under plough ?

Only part of it, occasionally, this quantity includes pasture.

In what number of years would a farmer be expected to have this quantity of cleared land ?

In about 20 years, this quantity would be brought from a wilderness state.

How much wood land would serve a family for the year's consumption ?

Including fences, about one and a half acres, if cut in one contiguous piece.

What capital, in your opinion, is necessary for a settler, to give him every chance of success ?

About £50 exclusive of land.

Provided a man commenced on the above terms, how long would it be before he could pay instalments towards liquidating his debt ?

In three years, I should say, he could pay ten pounds, and he could continue to pay the same each year following, (this to include taxes.

Are there any large blocks of good land in the Province that still remain unsettled ?

Yes, several.

Do these tracts belong to the Crown ?

Very few, they belong in almost all cases to private individuals.

How are roads made through such tract of country ?

Chiefly by statute labor by persons residing in the neighbourhood of these places.

Does the non settlement of such tracts materially check improvement in the country ?

Yes, I knew of one tract of land between Mary-gomish, in the county of Pictou, and Antigonist in the county of Sydney, when a road of 8 miles passes through with only two or three settlers on the road.

The same objection does not so fully apply to Crown lands, as in these cases, where roads are made, property can be obtained on application being made for it.

Do the parties possessing those large blocks of land contribute in any way towards roads or other public works ?

Most of those large tracts are old grants, and generally remain in the wild state, and until settlement is made, they do not contribute to public improvement.

Have you observed any large tracts of country possessing capabilities for improvement and settlement, and for which no steps are taken to accomplish such objects ?

The present year I have surveyed part of the township of Clare. I found one grant containing 35,510 acres, granted in 1817, to French Acadians, residing in that township, containing as good land for cultivation as any in that part of the Province, and on this grant only about 5 acres are cleared. In the adjoining grant, containing 21,300 acres, with but few settlers upon it, probably 9, there is also good land, it was granted in 1793.

Are these grants made on condition of settlement ?

Yes.

Those conditions have not been fulfilled ?

No.

To what do you attribute the want of improvement in this country ?

The proprietors of those grants are following other occupations than agriculture, or are wealthy people, they look to a rise of price in the value of lands.

Is any large portion of any of those lands the property of the Crown ?

None of those tracts I mention.

Are any large tracts of good land in the Province, the property of the Crown ?

There are no large tracts, but there are detached pieces of good land in many parts of the Province.

What do you consider to be a large tract ?

I consider a large tract 10,000 acres ; I consider it would be difficult to get above 5,000 acres of good land, the property of the Crown in one tract.

You have stated the want of roads is the bar to improvement, and the chief obstacle to having roads, is the quantity of unoccupied lands, what do you consider would be a remedy for this evil ?

To escheat lands liable to escheat for non-fulfilment of conditions of improvement, and to require parties holding wild lands to pay a tax towards general improvement.

Provided such tax was employed in the improvement of the country, and to settling it, what in your opinion ought to be its amount ?

Generally a farm occupying two hundred acres pays equal to 18s. towards roads. I should say the tax on wild lands should be in the same proportion, with exception where improvements are begun.

Do you consider there is room for much improvement and increase of settlement ?

There is much room for improvement, first, by a subdivision of lands now held by occupants, and also by occupation of wild lands which are not yet in cultivation.

You have been for some years a resident in Cape Breton, can you give any information as to the capabilities existing in that Island for improvement ?

There are extensive tracts of good Crown land about the head of the river, inhabited between the Mabou rivers, and the road leading from Judique to river Denis, about Murgaree, or lake Anslie, and near Cape North, and a few detached pieces in other parts of Cape Breton. There are a great number of large pine trees on most of the tracts which I mentioned.

What class of inhabitants reside at Cape Breton ?

Chiefly French, and fishermen from the western Islands of Scotland.

By what tenure do they principally hold their lands ?

This information can only be obtained at the Office of the Secretary of the Province.

Charles W. Wallace, Esq. Treasurer.

The road system in the Province has been remarked on as being defective, will you be kind enough to furnish your opinion on the subject?

I think the system is decidedly injurious to the general interest of the Province.

What is the principle on which road money is now granted?

There is one sum granted annually for roads generally, and this is pretty equally subdivided each year, amongst all the counties of the Province.

Has this division no reference to the claims of different funds of the country at the time?

None whatever.

What steps are then taken to dispose of the monies?

The members of counties proportion the money to various roads and bye roads, and recommend commissioners, who with very few exceptions, are appointed to manage the roads; the suggestion of the Governor in the nomination of commissioners would be objected to, he therefore has no control over the money, the number of commissioners nominated this year was about 830, to expend £10,000, and in one county there were 97 to expend £750.

Do the commissioners receive remuneration while so employed?

Yes, they receive 5s. per day in addition to 5 per cent commission on money expended.

Is attention given to the competency of the parties employed on these occasions?

No, nothing is attended to in this respect; persons are frequently appointed who could have no previous knowledge of road making.

How does the system answer of requiring statute labour from occupiers of land?

By a late enactment of the Assembly, the road accounts require to be checked by the Auditor, who requires a certificate of statute labour to be given, before the amount of road money is paid. That Act is now dispensed with, in consequence of which statute labour is done at a season more convenient to parties, and at a time of the year when the public does not receive the benefit it otherwise would.

Was the annual grants in previous years nearly the same as you have mentioned?

It has been as great as £30,000 in one year, the general average is about £12,000 per year.

From your long acquaintance with the Province, has any particular circumstances occurred to you as being detrimental to improvement in the Province, and tending to check its prosperity?

The readiness of members to grant small sums of money to new settlers, and to any applicants, subdivides the money so materially, as to leave no money for new roads or general improvements of waste lands. Individuals have settled on good lands, and have been obliged to desert them from having no approach to their farms. Large blocks of land being in the hands of individuals who have no desire to improve them, militate much against the advancement of the country.

What remedy would you propose for the above evils?

A certain tax on each 100 acres of unimproved land, provided the money was judiciously applied to roads and to improvement, and to settling the country.

What in your opinion ought to be the amount of such a tax?

Five shillings each 100 acres.

John Fairbanks, Esquire.

Are you a native of Nova Scotia ?

Yes.

You have had cause to give attention to the fisheries, will you be kind enough to state what in your opinion would best forward the interest of the Province in respect to this measure ?

Compelling the Americans to observe strictly the limits to which they are confined by Treaty.

Will you state the outlines of this treaty, and where it is abused ?

The Report of the Committee of the House of Assembly of Nova Scotia, 1837, on the subject of the fisheries, will give all the detail connected with this question.

It will be seen that the Americans come on our coast, and in the out harbour, quarrel with our fishermen, and destroy the increase in our fishing, that ought to take place.

What portion of the inhabitants of the Province do you suppose are engaged in the fisheries ?

Probably one half. Our fisheries extend round the whole coast of Nova Scotia.

Do you suppose the fisheries capable of any great extension ?

We find it extends annually by our dealings, our supplies to fishermen 5 or 6 years ago, did not exceed £5000 a year, now it extends to three times the amount. I conceive this business is capable of being increased to an unlimited extent.

To what do you attribute the circumstance mentioned in the Report of Americans being successful competitors in fisheries carried on on our own coast ?

To the great demand and consumption in the United States, and the high prices.

Do not the Americans also supply foreign ports to the injury of our fishermen ?

They do.

How do you account for this ?

There is more capital required in this Province to be invested in the fisheries, the American Government holding out better encouragement, induces some of our best men to join their service.

Is there any want of population on our coast to meet the demand for the fisheries ?

I should say, decidedly, throughout the whole coast.

Have you observed the system of agriculture carried on along the coast ?

Yes—it is limited on the fishing stations—the men are engaged in fishing, and the women are obliged to attend to agricultural pursuits.

Does agricultural pursuits as well as the fishing, employ and offer sufficient encouragement to separate the above occupations, and would such a measure be beneficial and further the fisheries of the Province ?

There is room for both, and the mode now pursued injures the fisheries, there might be a vast quantity of sheep kept on the eastern shore of the Province, as well as the coarser kinds of grain raised, also hay and potatoes.

The general character of the coast of Nova Scotia is rocky, and not thought to be encouraging for agriculture. Have you had any experience in this pursuit on such kind of land ?

Yes—and from the knowledge of the coast, and from the number of good harbours it contains, and from the quality of the lands in the neighbourhood, I am satisfied an extensive agricultural population might be supported.

From your experience and knowledge of the Province, do you consider it progressing in improvement as fast as its natural capabilities admit of?

Not by any means.

As to its agriculture, to what do you attribute its want of improvement?

Want of capital and of labour, and of good roads particularly—also want of agricultural skill and implements.

Its prosperity is much checked by large portions of the land being in the hands of absent proprietors, or persons who do not cultivate them and bring them into the market. What remedy do you consider might be applied to this evil?

One remedy in my opinion, was embodied in a bill brought into the House of Assembly last year, to grant land on condition of improvement. I also think a tax on wild land, or escheat of wild land, if not improved, is absolutely called for.

Provided such a tax was existing, and that all the money so raised was judiciously applied to improvements in the Province, what in your opinion ought to be its amount?

Ten shillings per 100 acres on land in a wilderness state, I think would not be too much.

Lawrence Hartshorne, Esquire.

Are you a native of the Province?

Yes.

From your knowledge of the resources of the Province is it your opinion there is very great room for advantageous investment of capital, and for increase of population?

The natural advantages of the country are very good, and not at all developed. There is room for great improvement and increase in the fisheries, in agriculture, in mining, and in mills, and in coarse manufactures.

What is principally wanted to advance improvement in these objects?

The introduction of an industrious class of emigrants and of scientific farmers, and improvement in the internal communication in the country; particularly a better distribution of public money expended on the roads.

Are there now any works in progress likely to open the resources you speak of?

There is no work of more consequence in my opinion than the Shubenacadie Canal. It would connect Halifax harbour with the Bay of Fundy by an inland navigation of nearly forty miles, and would communicate with all the extensive coast of the Bay of Fundy, giving a perfect security to trade between the Colonies in case of war. It would also open an extensive source of trade with the country between Halifax and the head of the Basin of Mines. In the event of the proposed Canal being cut between the Bay of Fundy and the Gulf of St. Lawrence great facilities would be given to the trade between Halifax and the St. Lawrence, and the facilities that would be there afforded for safe trade in case of war would be most beneficial. The importance of this measure is more fully detailed in memorials to Her Majesty's Government from the Council and House of Assembly for this Province, forwarded early in the present year.

Has any money been already expended in this work?

Yes, between £80,000 and £100,000.

Is the work now advancing?

It is not progressing for want of means, but it is expected that assistance will be granted by Her Majesty's Government. An agent from the parties engaged in this undertaking is at present in England in communication with the Government.

Is much of the work completed?

Yes; the heavy part, including locks and cuttings, are far advanced, and some of these are completed.

Is it your opinion that a tax on wild lands, judiciously applied to improvement, would be desirable, and one that would tend to advance the interest of the Province?

If such a tax was employed to open internal communication through lands available to agriculture, and to advance emigration of a proper description of persons, it would, no doubt, have a most beneficial effect. This tax ought to be on lands not in progress of improvement.

What, in your opinion, would be a fair rate per 100 acres, if such a tax was determined upon?

About 2s per 100 acres would induce parties to improve and dispose of their land.

William Lawson, Esquire.

You are a native of this Province ?

Yes.

From your extensive knowledge of the Province, and its resources, is it your opinion that any extensive increase might take place in its agricultural population, and in its prosperity generally ?

Certainly—particularly in its fisheries, with which I am well acquainted. The fishing of Nova Scotia extends all round from the head of the Bay of Fundy to Bay Verte, extending along a coast of miles, intersected in all parts with bays, rivers and harbours, affording facilities for fishing in cod, pollock and Haddock, herring, mackerel, and salmon.

The trade in fish forms an important feature in this Province ?

Yes it is the chief article of export.

Is it capable of large increase ?

Yes, and would be more so, only for the interference of the Americans on our coast.

You have visited different parts of the coast ?

Yes.

Is there much room for agricultural improvement on lands in the vicinity of the coast, and which are now neglected ?

Certainly, and there is a good deal of land on the coast reclaimed from amongst rocks.

Is the business of agriculture and fishing much combined by persons residing on the coast ?

Yes.

If a sufficient number of persons were disposable, could the occupation of farmers and fishermen be carried on with advantage to both, and more to be the benefit of the Province generally ?

I should think there would be room for both occupations with advantage.

Is there a large business in fishing carried on by persons in the Province, independent of the coast fishing ?

Yes—out of different harbours in the Province—there are vessels from 40 to 100 tons and upwards, which fish at Labrador and Gulf of St. Lawrence for cod fish, salmon, mackerel and herring.

Can you mention any particular cause why the fisheries of the Province are not so flourishing as they might be, and any thing that might be adopted to advance them ?

The American interference is principally the cause why our fisheries are not more productive. A tonnage duty for a large description of vessels to be employed the whole of the season in the actual catch of the fish, would, I think, lead to beneficial results.

It has been stated, that large tracts of country are left in a wild state, and prevent the improvement by industrious settlers, what in your opinion is the best remedy for the evil ?

If the terms of grant of settlement are not complied with, they ought to be escheated. On the lands where the grants have been only nominally complied with, but not advancing in improvement, I would recommend a duty on such land to be laid out in improving the country, and opening new roads, and forwarding a good description of emigrants.

If such a tax were determined upon, and judiciously applied to improvements in the country, what do you think would be a fair sum to require for each 100 acres.

When no attention is given to improvements in the country, I should say from 30s. to 40s per 100 acres, and less in proportion to improvement. Improved farms ought not to be taxed.

Your remarks on the fisheries extend to Cape Breton ?

Yes, where there is a large fishery carried on.

The Reverend Dr. *Willis*, Archdeacon of Nova Scotia.

In the absence of the Lord Bishop of Nova Scotia, will you favor me with any information respecting various lots of ground contained in this list, (see Appendix,) furnished by the Secretary of the Province, being lands granted at different periods for purposes of religion and education?

By the Law of the Province now in force for the encouragement of schools, £5,000 is granted to assist in remunerating teachers who may be employed in different parts of the Province. The Commissioners appointed to distribute this sum are authorised to afford encouragement to schools wheresoever established, in conformity with the said law. The Province is divided into districts, and a certain sum allotted by the law to each.

If emigration should take place to this Province on a large scale, is there any regulation by which persons settling in parts of the country not having schools could obtain the benefit of education?

The above named law provides that the inhabitants of any school district shall receive a certain sum in aid of their school upon their subscribing not less than £25 per annum (exclusive of boarding) for the teacher; or a certain other sum upon subscribing not less than £40 per annum. The number of scholars required to be sent to this first class of schools (£40) is thirty and upwards, and to the second class (£25) is from fifteen to thirty. The sum for either class is not specified; but it depends on the number of schools in the district. The maximum for the first class is £20, and £15 for the second class. The Commissioners are authorised first to appropriate a small sum in aid of such places, whose inhabitants are unable to comply with the above requisites. A further sum is granted for the encouragement of a better class of schools, called *Combined Common Grammar Schools*, in which are taught,—besides the common branches,—grammar, geography, mathematics, or the classics. If eight scholars in any of these last named branches, £25 per annum is allowed. If fifteen and upwards are taught therein, £35 is allowed by the Province.

Are all the lands contained in that list* considered to be church lands? All, with a few exceptions, that are marked in the list.

The statement you have made of improvement in glebes contained in this list, includes all that to your knowledge is in a state of improvement?

Others may be in a state of progressive improvement, but to no great extent.

Do you suppose there are many squatters on church lands?

Yes. I am not aware that the Bishop has authorised settlers on the Dean and Chapter lands.

Do you consider that any alteration in the appropriation of church lands might be advantageously adopted?

If 500 acres of good land in every 30 square miles were properly secured for a glebe it would be very desirable, but I think by no means sufficient to meet the future exigencies of the church.

In case of any considerable emigration to the Province and the settlement of portions of it now in a wild state, are there any means by which clergymen could be provided for in the event of such new parishes?

* See Sir Rupert Georges' evidence, Appendix No. 8.

Some provision may perhaps be supplied by the Society for the Propagation of the Gospel. This would not be sufficient for the entire support of the clergy.

Is there any provision made in the Province by the appropriation of reserved lands to meet future exigencies and an increase of the clergy?

There are no lands granted except for churches that are already in existence.

Glebe Lands.

I regret the absence of the Bishop, who would more fully reply to your queries than I am able to do. I have pleasure, however, in supplying you with what information may be within my reach on the subject of church and school lands.

There are in the Province 32 rectories, all of which, with 3 or 4 exceptions, have glebes attached to them, varying from 400 to 600 acres. Some of these have been partially improved; others, from their situation or unfitness for cultivation, are unproductive.

There are eleven glebes which yield from £5 to £30 per annum respectively, as follows:—

£25—5—4 or 5—8—14—15—20—20—30—10—15
(1—2— 3 —4— 5— 6— 7— 8— 9—10—11)

Total amount of glebe rent per annum.....£167 0 0

School Lands.

The Governor is authorised by an Act of the Legislature to appoint trustees for the management of school lands. In a few instances only has this been acted upon; when the proceeds have been applied towards the support of the schoolmaster.

The Honorable Samuel Cunard.

From your extensive knowledge of the country, is there any measure more than another you think ought to be attended to, to advance the interest of the Province?

I think by making good roads, and by this means opening the resources of the country, the most beneficial effects would result.

It has been remarked that great injury has been sustained by large quantities of lands remaining in a wilderness state, what, in your opinion, would be the best means of remedying this evil?

I think good roads would remedy the difficulty in a great degree. I also think that owners of large tracts of land ought to be compelled to give some attention by a tax on land or otherwise.

You are a large proprietor, and have given attention to this question, and if a tax on wilderness land was determined upon, and if the proceeds of such a tax were judiciously appropriated to improvements in the country, and to advancing emigration, what in your opinion, ought to be the amount of such a tax?

I do not feel myself competent to say what the tax should be, but I should think large proprietors should be compelled to contribute towards the general improvement of the country. My opinion is decidedly, that all monies raised in this way, ought to go altogether to the improvement of the country.

In your opinion, is there considerable room in the Province for increasing its population in agricultural pursuits, and otherwise extensive resources for good and safe investment for capital?

I think capital may be very well invested in the purchase and improvement of lands, and there is plenty of room for industrious settlers, who are sure to do well.

You are extensively concerned in the mining operation in this Province, is there not every probability of progressive increase and demand for labor in reference to such undertaking?

There is; a good number of laborers are now employed, and furnish a vast consumption of agricultural produce, and there is room for the further extension of such operations. We are daily increasing our operations, and have the most favorable expectation of future success.

George Young, Esquire.

Have you visited most parts of this Province?

I have been over all parts of it.

Is it your opinion that the country advances as fast as its natural capabilities admit of?

I do not think it does.

Is there, in your opinion, any considerable room for increase of emigration?

I know from information on which I can depend, and from inspection of part of them, there are large and fertile tracts at present unsettled.

As regards internal improvement of this country, I think its agriculture is greatly retarded from a general inattention to scientific improvements of other countries, from no means being taken, of a public character, to introduce a change of seed,—for improvement in breed of cattle, and to an introduction of the best improved models of agricultural implements and machinery. In other countries, depending on the agricultural resources, the objects of public improvements are attended to by gentlemen of capital and leisure, whereas in this Province they are greatly neglected by this class, and, unfortunately, by agriculturalists themselves. The expensive habits created by the late war still retards the improvement of the country in many districts. Its improvement is also impeded by the desire felt by the rising young men to emigrate to Upper Canada, Texas, and to the United States, and the stream of emigration passes Nova Scotia on account of prejudices which have been circulated, and I think improperly, by popular authors. As to its climate and resources, I have no hesitation in stating as an opinion, that there are few countries better fitted for an honest and industrious man.

As regards commerce, its extent and importance is perniciously affected by the interference which the Americans have made, under the late treaties, on our shore and bank fishing;—the effect of this is of too comprehensive a character to be given in reply to this question. While in London in 1834, I was solicited by gentlemen connected with the Colonies to give a legal and practical view of the question, and I hand now for information the work which I then published at their request. I also, while in London last winter, wrote a report upon the state of the fisheries at the present time, being then consulted as to the practical relief which it was in the power of Government to afford for grievances now complained of. I will send a copy of this report.

Appendix No. 1.

A List of some of the large Grants in the Province of Nova Scotia,
which have not been Escheated.

Date of Grant.	Names of Grantees.	No. of Acres.	Locality.
1784	Major Wright & 328 others,	66000	County of Hn. Guysborough county.
1765	Jas. Lyons & others,	150000	St. Mary's River, "
30th Oct.	Alex. Lord Colville,	15000	King's Creek "
..	Benj. Hallowel, Esq.	20000	Calm Harbour "
..	Geo. Smith, Esq.	3000	Liscombe's Harbour "
1784	Wm. Sutherland & 60 others.	12250	E. of Sheet Hr. River Halifax county
1773	John Greer,	10000	Sheet Harbour River "
..	Jonnathan Binney,	5000	Sheet Harbour "
1774	Henry Newton,	5000	" " " "
1773	Jonathan Belcher,	5000	" " " "
..	The Hon. Chs. Morris,	5000	" " " "
1769	Hon. Jno. Collier & Gerrish,	10000	Spry Harbour "
1783	Hon. Jno. Creighton,	10000	Pope's Harbour "
1765	Thos. Newton & 2 others,	20000	Tangier "
1773	Samuel Harris,	2000	Pope's " "
1765	Robt. Campbell,	2000	Calm or Little Hr. "
1804	Jona. Blenhard & the Hon.	..	..
..	Lawrence Hartshome Loydists	23000	Antigonish Sydney county.
1765	Jos. F. W. Desbarres, Esq.	20000	Tatmagouche Hr. Colchester Co.
1783	Jas. Morden, Esq.	5000	Aylesford, King's County.
..	David Phillips,	5000	" " " "
..	Philip Van Cortland,	2600	" " " "
1765	Michl. Franklin, Esq.	20000	Cumberland Basin, Cumberland Co.
..	Jas. F. W. Desbarres, Esq.	8000	" " " "
..	Geo. A. Gamelin,	20000	Napan River, "
..	Joseph Scott, Esq.	7000	Between Lakeville River, and Lake Thomas.
1784	Isaac Wilkins, Esq.	5000	E. side Jordan River Shelburne Co.
1765	Sir Jno. Wentworth, Bart.	20000	Merigomish, Pictou county.
1775	Richard Williams,	10000	West side Middle River.
..	" " about	10000	between Pictou and Arribou Hr.
1765	Col. Henry Munro,	2000	N. side Annapolis river, township of Wilmot, Annapolis county.
1765	Jonathan Hoar,	5000	W. side Bear River, Digby.
1780	Capt. Thos. Burnett,	5000	Argyle, Yarmouth Co.
1765	Rev. Jno. Breynton,	2000	" " " "
1772	Capt. Moulton,	3000	" " " "
1798	Alex F. Cochrane,	2500	Petite River, Hans Co.
..	" " "	1500	Nine Mile River.

Date of Grant.	Names of Grantees.	No. of Acres.	Locality.
1775	1st grant to French Accadians township of Clare,	9092	Township of Clare, county of Digby.
1799	2nd grant Francis Corneau and 61 others,	21300	" " " " " "
1817	3rd grant Fredk. Guiddery, and 1328 others,	35510	" " " " " "
1801	Jos. Maluson, and 26 others, French,	4874	Argyle, county of Yarmouth.
1816	Arthur Williams, and 81 others (French)	16400	Tusket Rivers, " "
1835	Jos. Babiou and others(French)	11156	Argyle, " "
1765	Jos. Pernet and others,	22000	New Dublin, Lunenburg county
..	Wm. Nisbett and others,	10000	" " " "
1771	Matthew Parks and others,	1500	" " " "
	James Teadley,	1000	" " " "
1761	Robt. Sloan,	1000	" " " "
1784	Benoni Dentrionmont, and 17 others (French)	5000	On both sides Pubnico Hr. Co. Yarmouth
1810	James Milue,	5000	Tony's River, county of Pictou.
1785	Benj. Genish,	10000	Cobequid Bay, county of Cumberland.
1788	Martin Meagher,	5000	Musquodoboit river, county of Halifax.
Total. .		675576	

No. 2.

An account of the number of square miles and acres of land contained within each county of the Province of Nova Scotia, the Townships therein, the number of acres granted, and the quantity now remaining in right of the Crown, with some general observations upon the quality of the land, &c. :—

ANNAPOLIS COUNTY

Contains about 900,000 acres, and includes within it the townships of Annapolis, Granville, Wilmot, and a portion of Clements.

About 500,000 acres have been granted in this county.

The township of Annapolis is the elder, indeed the oldest settlement made by the English in the Province, and contains a large portion of good land.

It possesses a fine harbour, easy of access, and the Annapolis River is a fine stream, having on both sides of it valuable meadow land, and abounding with fish of different kinds; but all the lands within it have long since been granted, and I am not aware of there being any land that could be escheated. It is situated upon the south side of the river.

This county contains very rich iron ore in the neighbourhood of Nic-tan, and Sissibo and other places.

The township of Granville is bounded on the south by the Annapolis River, and on the north by the Bay of Fundy, extending from the Gut of Annapolis to the township of Wilmot. It contains no ungranted land within it, and I am not aware of there being any land liable to escheat.

The township of Wilmot is bounded on the west by Granville, on the north by the Bay of Fundy, on the south by the Annapolis River, and on the east by the county of Kings. It contains no ungranted land, nor am I aware of there being any liable to escheat.

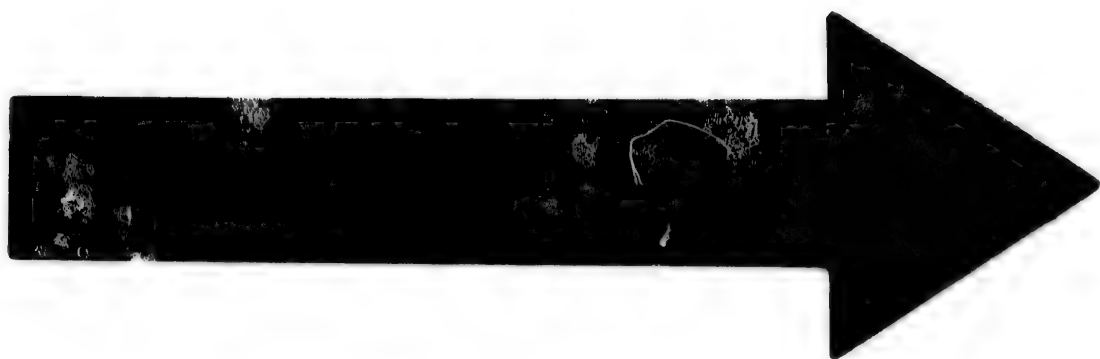
The township of Clements is bounded on the west by Bear River, on the north by the Annapolis River and Basin, and on the west by the township of Annapolis. There is some land ungranted, and some liable to escheat in this township.

The County of Annapolis affords no opening for the settlement of poor emigrants. A large portion of the ungranted Crown Lands being barren, and no large tracts of good land in one body remaining; but to the industrious and frugal of the agricultural population of England, possessing capital to the extent of from £300 to £500, it affords some opening for the investment of it. Cultivated farms and settled population it would be desirable to have in this county.

I do not believe 1000 acres of good land in one body could be found amongst the ungranted lands in all this large county; a great portion of the surface being ponds of water, lakes, hills of granite, valley, and spruce swamps.

COUNTY OF DIGBY

Contains about 600,000 acres, and includes within it the townships of Digby, Clare, and a portion of the township of Clements.



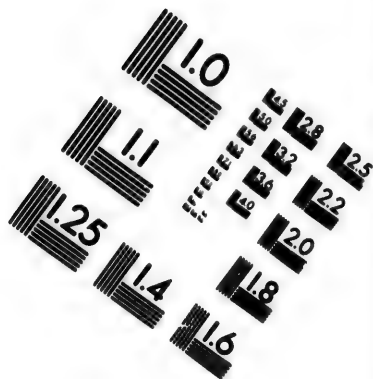
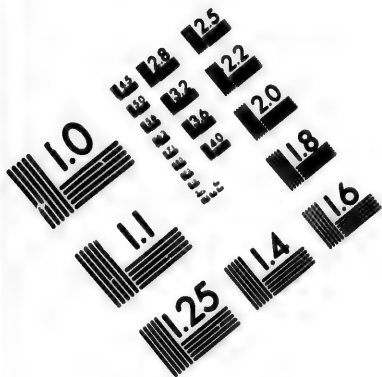
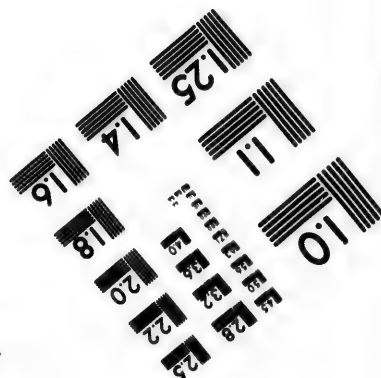
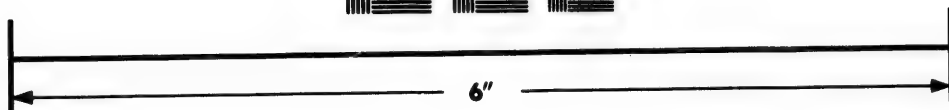
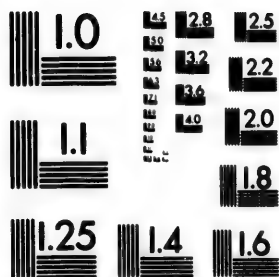


IMAGE EVALUATION TEST TARGET (MT-3)



**Photographic
Sciences
Corporation**

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

1.8
2.0
2.2
2.5
2.8
3.2
3.6
4.0

10
5
4
3
2
1
0

The lands in this county, fronting upon roads or navigable waters, have long since been granted, and what remains in right of the Crown is very similar to the land in the adjoining county; but in the township of Clare there is a large quantity of good land upon which no improvement has been made, liable to escheat, and there is also some good land in right of the Crown, but no large quantity. It affords no scope for extensive emigration; but a few families possessed of capital, of industrious and frugal habits might invest it profitably.

About 400,000 acres have been granted in this county.
It contains iron ore of rich quality.

KING'S COUNTY

Contains about 750,000 acres; but all the lands fronting upon roads and navigable waters have long since been granted. It includes within it the townships of Horton, Cornwallis, Aylesford, and Parsborough. The two first contain some of the most valuable land in the Province, and both the townships are in a flourishing condition. The other two contain some good upland, but none of the valuable marsh for which the first are noted. There is some good land in the southern part of the county, but no large body of it. It does not afford any opening for poor emigrants; but a few families possessed of capital, from the industrious and frugal population of England, brought up to husbandry, might be well settled within in.

About 375,000 acres have been granted in this county.

YARMOUTH COUNTY

Contains about 380,000 acres. It includes within it the townships of Yarmouth, Argyle, and a portion of Pubinco, and until lately it formed a portion of the county of Shelburne. All the good land in this county fronting upon roads or navigable waters, have long since been granted. A very large portion of it is barren, and almost all the good is included in the township of Yarmouth. There is no opening for settlers in this county. The inhabitants are generally in good circumstances, and are much engaged in ship building and the fisheries. They are an industrious, frugal, and hardy people.

About 200,000 acres have been granted in this county.

SHELBURNE COUNTY

Contains about 700,000 acres, and includes the townships of Shelburne and Barrington. It possesses some fine harbours, but a very large proportion of it is barren land, unfit for any kind of cultivation, and the settlements are confined almost entirely to the sea shore or the heads of harbours, but upon the margin of the streams that empty into the Atlantic, small patches of marsh are found, upon which the inhabitants,—who are chiefly fishermen,—feed their cattle. There is no scope for settlement of any extent in this county.

About 300,000 acres have been granted in this county.

QUEEN'S COUNTY

Contains about 600,000 acres, and includes the township of Liver-

pool. The land in this county is very similar to that of the adjoining county of Shelburne—a large portion of it being barren; but in the northern part of it there is some good land, where some fine settlements have been formed within the last thirty years, but it affords no opening for extensive settlements, and all the land will in a few years be taken up by the native population.

About 250,000 acres have been granted in this county.

LUNENBURG COUNTY

Contains about 700,000 acres, and includes the Townships of Lunenburg, New Dublin, and Chester. A large proportion of this county is barren; but there is some tolerable land in the neighbourhood of the sea, and many fine islands in Mahone Bay. These, with all the land fit for settlement, have long been granted, and are well cultivated. The inhabitants, generally, are industrious and frugal in their habits. There is no opening in this county for extensive settlement; all the land fit for cultivation will in a few years be required for the native population.

About 320,000 acres have been granted in this county.

COUNTY OF HALIFAX

Contains about 1,400,000 acres, and includes the Townships of Halifax, Preston, and Lawrence Town, and contains the Capital of the Province. A very great portion of this county is barren and unfit for settlement, and all the good land on the sea shore, or fronting upon roads or navigable waters, have long since been granted. There is no scope for extensive settlements in this county; but should the proposed line of road between the Musquids Boit River and the sea to the Gut of Canso be completed, it would afford an opening for a limited number of settlers, but there are no considerable bodies of good lands within it. I have reason to believe that no tract of land exceeding 5,000 acres, fit for settlement, could be found.

About 750,000 acres have been granted in this county.

COUNTY OF HANTS

Contains about 700,000 acres, and includes the townships of Windsor, Falmouth, Newport, Rawdon, Douglas, Kempt and Maitland, the three first are old settlements, and contain some of the most valuable lands in the Province, but all the good lands fronting upon roads or navigable waters have long been granted.

There is not scope for extensive settlement in this county, a limited number of emigrants might be settled in it, but in a few years the native population would require all the land in right of the Crown fit for settlement.

About 400,000 acres has been granted in the county.

A great number of vessels are employed in carrying gypsum from various points in this county to the United States. There is an inexhaustible supply of this article to be found in the county.

COUNTY OF COLCHESTER

Contains about 800,000 acres, and includes the townships of Truro, Onslow, Londonderry and Economy, there is a large proportion of valuable land in these townships, but all the good land fronting upon roads or navigable water have long since been granted; there is still however in right of the Crown some good land fit for settlement, but no large tracts I have reason to believe none exceeding 1500 acres.

About 600,000 acres have been granted.

Coal is found in this county.

CUMBERLAND COUNTY

Contains about 800,000 acres, and includes the townships of Amherst, Fort Lawrence and Wallace; the two first contain very valuable marsh lands, and are well settled. It contains no very extensive tracts of good land in right of the Crown, but a limited number of settlers could be accommodated in this county.

About 500,000 acres have been granted in this county.

This county contains coal near Siggins upon the bay shore and immense quantities of grindstones are annually made and supplied from this part of the county.

COUNTY OF PICTOU

Contains about 650,000 acres, and includes the townships of Pictou, Egerton and Maxwelton, in which is contained a large portion of good land, and more closely settled than any other in the Province.

In the south east portion of this county, some of the most valuable land in right of the Crown is to be found, where emigrants might be settled.

About 500,000 acres have been granted in this county; about the east river of Pictou, the extensive coal mines leased by the Crown are situated.

COUNTY OF SIDNEY

Contains about 350,000 acres, it includes the townships of St. Andrew, all the land fronting upon roads or navigable waters have been granted, but in the southern part of the county there is a considerable quantity of good land in right of the Crown, where emigrants might be settled.

About 200,000 acres have been granted in this county.

COUNTY OF GUYSBOROUGH

Contains about 700,000 acres, and includes the townships of Guysborough, Manchester and Wilmot. In this county, on the northern side of it there is some very good land in right of the Crown, upon which settlers might be accommodated to a considerable extent, if proper roads were made through it.

The foregoing account of the several counties and townships in this Province is not given as a minute and exact return of the granted lands, or of those remaining in right of the Crown in Nova Scotia. Such an account would take a long time to perfect, but it is hoped that it may

serve the intended purpose which is to convey general information to the Government, and it cannot be very far wrong, pains having been taken to make it as correct as possible.

In endeavouring to make it so, I found upon examining the Grant Books, that a considerable error had occurred in making former returns. I found that many tracts of land which had been surveyed, and plans returned to the Secretary's office in former days, had not passed into grants; that in some cases partial escheats of land had been made and not the whole grants, and that an exact account of all the lands escheated had not been kept in the Surveyor General's office; and some confusion arose as to grants of land that had been passed in New Brunswick before it was separated from Nova Scotia in 1783. In addition to this I found that many of the grants contained a much larger proportion of land within their limits than was expressed on the face of the grant or plans. This will account for the discrepancy which appears between the return now made and those made before.

With reference to the surveys made in Nova Scotia in its early settlement, it should be borne in mind that the lands were of so little value as to prevent the parties obtaining them from incurring the expense of a proper survey; that there were no funds in the hands of the Surveyor General to defray the expense of such survey, nor were there persons to be found in every county of the Province competent to perform them. Indeed, at the present day, it is not always that they can be had, and many Deputies are obliged to combine a variety of occupations in order to get a living, as surveying alone would not be sufficient. A great source of the mischief occasioned by imperfect surveys being made arises from a practice which is very general in Nova Scotia, of the owners of land employing incompetent and irresponsible persons to survey their lands, at a low rate. These persons have in many instances altered the bounds of grants, and in other cases where grants had passed without an actual survey, fixed bounds at the bidding of their employer,—thus a great evil is created, and, at the same time, a large portion of the emoluments which ought to accrue to my Deputies go to such persons.

The remedy for these evils would be—first, to pass a law imposing a severe penalty on any person not duly appointed who should presume to survey the external limits of a grant; and to provide further that such survey should not be received as evidence in the courts of law or equity. Having effected this, it would be necessary to have a punctual Deputy in each county, who should receive a small salary and fees for each survey, independent of his surveying charges, and such Deputy should be made responsible for all surveys made in his county. He should have a correct County Plan, whereon should be laid down all the lots of land surveyed and granted, and all roads, with their alterations, and a plan of each allotment, or grant surveyed, should be sent to the Department at Halifax, as at present, and the General Plan of the county, in the hands of the Deputy, should, at least once a year, be compared with that in the Surveyor General's office at Halifax, so that any error which might have arisen might then be corrected. At present bounds of grants are often pointed out as the original which have been made long subsequent to the survey upon which the grant was founded, and in very different places, and by persons who have not the means of acquiring the necessary information, even if they had been otherwise competent to perform the survey.

I think also in order to insure an efficient performance of the duties,

that the Crown Land Department at Halifax should have at least two persons as Draftsman and Clerk besides the principal, and that funds should be allowed to survey such of the old grants as the Surveyor General might think necessary, in order to establish the proper relative position of subsequent grants and to fix permanent bounds thereto.

With reference to the disposal of Crown Lands, my opinion is that individuals, upon condition of actual settlement of the land applied for, should be allowed to obtain land to the extent of two hundred acres without reference to public sale, at the upset price, and that instead of paying the whole amount at the time of purchase, one half of the purchase money should be paid, and the remainder within two years, by annual instalments, as I find the present system of cash payments very generally complained of, and in some counties no sales could be effected of the land advertised under the present system this year.

And in order to prevent delay in cases where there is no doubt or uncertainty respecting the lot of land applied for, that it should be given to the applicant without referring to the Executive Council, agreeably to the Royal Instructions, of March, 1832; but as respects the sale of lots of land not intended for actual settlement, that they should, in all cases, be put up for public competition, and no lot should exceed 200 acres.

In cases where lots of land are occupied and improved, either with or without authority, I think it would be proper to allow the party living upon the land the choice of purchase at the upset price, but he ought not to be suffered to remain in possession without paying a consideration, otherwise it would be a direct encouragement to individuals to trespass upon the Crown Lands, and would necessarily lead to much confusion and irregularity in their settlement.

I have reason to believe, that of the ungranted lands in Nova Scotia, comprising upwards of 4,000,000 of acres, not more than 500,000 acres could be found fit for settlement, but of the granted land liable to escheat for non performance of the conditions of settlement, there is a much larger proportion.

It is impossible for me to state, with any degree of accuracy, the quantity of granted land that has not been improved. That could only be correctly ascertained by employing confidential persons in each county to examine the grants, but I should think at least 1,000,000 of acres remain without any thing having been done upon them by the grantees. To examine these grants minutely would involve a very serious expense, and the necessity of doing so might, I think, in a great measure be avoided, by increasing the facilities for escheating such lands. At present the cost and delay operates very much against parties who would otherwise come forward to prosecute them. In the mean time the unimproved granted lands remain a serious evil to the Province, not only that so much land is kept, locked up as it were, from the industrious settler, but he is obliged before he can have access to the Crown Lands, to make roads through these grants, and is, besides, so much farther removed from settlements.

I am decidedly of opinion that it would not be proper to encourage poor settlers to come to Nova Scotia. Already there has been too great a proportion of that class; but to persons possessed of capital to the extent of from £300 to £500, who have been brought up to husbandry, from the agricultural population of England or Scotland, of frugal habits, this country possesses many advantages. They could purchase land partially cultivated, with suitable buildings thereon, and stock it well, and would here enjoy many comforts, with the prospect of providing for their

families, that in the mother country could not be obtained by them for a much larger sum.

I think it proper to state further with reference to the disposal of Crown Lands, that I have endeavoured to give every facility to the purchaser, that I have recommended the upset price to be made so low as not to discourage the poor settler from purchasing, and at the same time sufficiently high to prevent much speculating in the lands of the Crown, but in consequence of there being so much land belonging to private individuals for sale, it has been impossible to realize any considerable revenue from the Crown lands, I have known in many instances good land to be purchased from individuals for 2s. an acre, and in some cases at a lower rate, and when about two years ago in consequence of the Crown lands being held at a much higher rate in the other colonies, I recommended the Lieutenant Governor to raise the price to 3s. an acre, a general outcry was raised against it. It was stated that the young men must quit the Province, and the upset price was reduced to the former rate of 2s. 3d. an acre.

Nova Scotia on the Atlantic side has a greater number, and as fine harbours as are to be found in any part of the world, into these harbours fine streams connected with lakes, extending twenty or thirty miles into the interior of the Province flow, these were once resorted to by innumerable quantities of salmon and alewives, but of late years the numbers have very much diminished, owing to the improvident conduct of the inhabitants in building their mill dams across the main streams, and otherwise obstructing the passage of the fish in their way up to spawn; so that it is to be feared if proper steps are not taken to restrain them, that this valuable fishery may be lost to Nova Scotia, and in the bays and harbours of the coast the United States fishermen continually resort, and very seriously annoy the inhabitants and injure the mackarel and herring fishing.

A great proportion of the pine and spruce which originally covered a large portion of Nova Scotia, has been destroyed by fires which have swept over it, and what this element spared has, to a great extent, been cut and carried away, so that there is comparative but little remaining, the hard wood beech, birch, maple and ash have not suffered in the same way by fire.

There are no mountains in Nova Scotia, or any very remarkable features; on the whole line of coast fronting the Atlantic, there is but the high lands of Aspotagoen, situate on the Isthmus, between St. Margarets and Mahone Bay; on the northern side of the Province in the counties of Annapolis and Kings, the north and south mountains as they are called.

Extending from the Gut of Annapolis to the Basin of Mines, a distance of ninety-six miles, in the county of Cumberland, the Cobequid mountains, Mount Tour, on the road between Tunso and Pictou; Mount Ephson and Green Hill, in the county of Pictou, and the high lands of Antigonish, between Malignant Cove and Dorchester; but of all these heights, none exceed one thousand feet above the level of the sea.

I think it not irrelevant to state here with reference to the communications in Nova Scotia, that the inhabitants of the various harbours along the coast to the eastward of Halifax, for a space of eighty miles, have not roads of communication with the capital, and are obliged to come by water.

No. 3.

An Abstract of the Gross Proceeds of the Sales of Crown Lands in Nova Scotia, the cost of Surveying lots of land intended for sale and those sold on account of the Crown, and the Contingent Expenses of the Crown Land Department from the 4th of May 1827, up to the 31st December 1837.

Years.	No. acres Sold.	Gross Proceeds.	Cost of Surveying.	Contingent Expenses.	Amount repaid to purchasers of Crown Land.	Net Proceeds.	Surplus Revenue.	REMARKS.
1827	None	£ 50 0 0	£ 4 2 6	£ 0 0 0	£ 0 0 0	£ 45 17 6	£ 0 0 0	Before 1832, the cost of Surveying was borne by the Purchaser with a few exceptions, as in 1828 when some large blocks were Surveyed. The contingent expenses include Printing, Advertising, and Postage paid, as well as Draftsmen and Clerks in the Commissioner of Crown Lands' Office. In the gross proceeds are included fees paid to the Commissioner of Crown Lands, Quit Rents proceeds of Timber seized and sold. It will be perceived by this account that for the first four years the net receipts of the Commissioner of Crown Lands was only £488 8 0 or at the rate of £124 12 0 N. S. Currency per annum. The Net proceeds are applied towards the payment of the Commissioners Salary of £300 Sterling, equal to £576 18 5½ Currency, the Commissioner is allowed to retain £200 Sterling in his hands, but he has not done so.
1828	5485	325 7 0½	119 9 0	50 5 0	0 0 0	0 155 13 0½	0 0 0	
1829	2835	125 1 1	0 0 0	516 8 0	0 0 0	0 119 45 0	0 0 0	
1830	2470	186 3 1	0 0 0	810 0 0	0 0 0	0 177 13 1	0 0 0	
1831	10411	637 11 6	21 15 0	57 2 7	0 0 0	0 578 13 11	0 0 0	
1832	14879	1092 2 3½	24 2 0	223 8 1	0 0 0	0 834 12 3½	257 13 10½	
1833	11451	1076 0 3½	158 7 6	146 2 2½	3 1 6	0 768 9 1½	191 10 7½	
1834	13921	836 4 7½	179 18 5	167 14 8	34 17 11	0 453 13 7½	0 0 0	
1835	24942	1349 9 5½	314 8 7	191 11 6	36 16 9	0 806 12 7½	229 14 2	
1836	14884	1354 10 4½	368 17 9	194 15 2	0 0 0	0 703 6 5½	216 8 0½	
1837	17419	1638 0 7½	428 13 1½	217 13 11½	0 0 0	0 991 13 6½	414 15 1	
117907	868019½	1617 13 10½	1262 19 10	74 16	23725	97½ 131 17 2½		Nova Scotia Currency.

Department of Crown Lands, 19th September, 1838.

The Commissioner has paid the Receiver General, on account of the Surplus Revenue, £1100 0 0
He has received a commission on this sum agreeable to his instructions, making 55 0 0
£1045 0 0

No. 4.

An account of the number of Counties and Townships in the Province of Nova Scotia, with the area of each County in Acres, and the quantity granted in each, &c.

No. of Counties.	Counties.	Townships.	No. of Townships.	No. of Acres in each County.	No. of Acres Granted.	No. of Acres in right of the Crown
1	Annapolis	Annapolis Granville Wilmot $\frac{1}{2}$ of Clements	3 $\frac{1}{2}$	900000	500000	400000
2	Digby	Digby Clare $\frac{1}{2}$ of Clements	2 $\frac{1}{2}$	600000	400000	200000
3	King's	Horton Cornwallis Aylesford Parsborough Yarmouth	4	750000	375000	375000
4	Yarmouth	Argyle $\frac{1}{2}$ Pubnice Shelburne	2 $\frac{1}{2}$	380000	200000	180000
5	Shelburne	Barrington, $\frac{1}{2}$ of Pubnice	2 $\frac{1}{2}$	700000	300000	400000
6	Queen's	Liverpool	1	600000	250000	350000
7	Lunenburg	Lunenburg New Dublin Chester	3	700000	320000	380000
8	Halifax	Halifax Preston Lawrencetown	3	1400000	750000	650000
9	Hants	Windsor Falmouth Newport Rawdon Douglass Kempt Maitland	7	700000	400000	300000
10	Colchester	Turo Onslow Londonderry Economy	4	800000	600000	200000
carried forward,			33	7530000	4095000	3485000

Department of Crown Lands, 19th September, 1838.
 The Commissioner has paid the Receiver General, on account of the Surplus Revenue, £1100 0 0
 He has received a commission on this sum agreeable to his instructions, making 55 0 0
 £1045 0 0

No. of Counties.	Counties.	Townships.	No of Townships.	No. of Acres in each county.	No. of Acres granted.	No. of Acres in right of the Crown
		Brought ford.	33	7530000	4095000	3435000
11	Cumberland	{ Amherst Fort Lawrence Wallace	{ 3	800000	500000	300000
12	Pictou	{ Pictou Egerton	{ 3	650000	500000	150000
13	Sydney	{ Maxwelltown St. Andrews	{ 1	350000	200000	150000
14	Guysborough	{ Guysborough Manchester Wilmot	{ 3	700000	450000	250000
			43	10030000	5745000	4285000

Department of Crown Lands,
14th September, 1838.

This Return is very near the truth, but not an exact one.

No. 5.

Return of the Nova Scotia and Cape Breton Militia.

Year.	Officers.	Rank and File.	Total.
1828	1663	16,934	18,597
1829	1843	19,817	21,660
1830	1785	20,067	21,852
1831	1849	21,329	23,178
1832	1905	22,125	20,040
1833	2015	22,576	24,591
1834	2330	23,258	25,588
1835	2296	22,918	25,214
1836	2492	21,555	24,047
1837	2492	21,898	24,390

No. 6.

No. of Acres granted.	No. of Acres in right of the Crown
95000	3435000
000000	300000
000000	150000
000000	150000
50000	250000
45000	4285000

The Committee of His Majesty's Council, to whom the Regulations which have been adopted in Upper Canada for granting lands were referred,

REPORT

That they have carefully perused these regulations, and they submit the following considerations upon the subject to His Excellency, and His Majesty's Council.

1st. The situation of Upper Canada differs widely from that of Nova Scotia. The former is an extensive colony, containing an immense body of valuable land, remote from the sea, and agriculture must ever form the primary pursuit of its inhabitants.

Nova Scotia is comparatively a small colony, surrounded by the sea—abounding in harbours and inlets from the Ocean, and although it contains a great quantity of very valuable land, the wealthiest part of its population is, and ever will be, commercial.

In Upper Canada, therefore, it may be expected that, as its inhabitants acquire wealth, they will be disposed to invest it in the purchase of lands, either from the Government or private individuals, but in Nova Scotia, capital may be more profitably employed in commerce, and few persons will be met with, who will be disposed to invest in the purchase of wild lands.

In confirmation of this opinion, the committee refer His Excellency and the Council, to the well known fact, that the large grants which were injudiciously made some years since, of the most valuable lands in the Province, to the different individuals who had influence with Government of the day—still remain in the hands of the grantees, or their representatives, and although conceded for the express purpose of selling them, a very small portion of them have as yet been disposed of, and even that portion at prices which have not realized the expectation of the grantees.

2nd, In Upper Canada, we are informed, that regular surveys have been made of the lands in general, and that large reserves have been made for the Crown, in situations which render the reserved lands valuable. In Nova Scotia no such system was adopted. When His Majesty's Government first attempted the settlement of this Province, it was considered a cold inhospitable barren country (and only calculated for the abode of fishermen) but few would undertake to settle in it, and those who did were encouraged to do so by extensive grants, in whatever situations they deemed most eligible. The consequence of which has been, that not only the most valuable land in the Province has been already granted; but what remains to the Crown, lies in remote situations, where none but the poor who were unable to purchase will submit to live.

The committee think they may safely assert, that there has not been a single instance for twenty years past, in which any person possessing capital, has planted himself in the wilderness, and devoted that capital to the cultivation of wild land—during that period a vast body of the wilder-

R

ness has been reclaimed, but these improvements have been chiefly effected by emigrants who were compelled by their poverty to submit to the toil of subduing the forest, and partly by the poorer part of the native population ; some of the grantees of the large tracts have expended money in clearing a part of their land, but in no case have they received a return to encourage them to proceed.

Under these circumstances the committee conceive that no price could be procured for the wild lands which now remain to the Crown in Nova Scotia, sufficient to pay the expense of the survey of them, which must be made prior to the valuation contemplated in the first article of the Upper Canada regulations ; in confirmation of this opinion, the committee refer His Excellency and His Majesty's Council to the order made by His late Majesty, of the 3rd February, 1774, for the sale of the wilderness lands in Nova Scotia. At that time a large portion of the best land in the Province belonged to the Crown, and convenient plantation lots were laid off in the most eligible situations, and advertised for sale at public auction, but although these lots were set up at 6d. per acre, and due notice given of four months, as by said order directed, there were no bidders for them. The expense of the survey preparatory to the sale was defrayed by His Majesty's Government, and the system of granting lands in the usual manner was resumed, which your committee think would be the case if the experiment should be again tried in the Province.

The committee have no doubt but that these regulations may be very beneficial in such colonies as Upper Canada, New South Wales, and countries where the Crown still retains a great quantity of valuable lands, but they venture to suggest the propriety of continuing in this Province the system which has been hitherto pursued, of granting lands gratuitously, with the usual reservations, as the interest of the Crown in the wild lands in Nova Scotia is so much diminished, that the Government would derive little benefit from the change.

The system which now prevails might, undoubtedly, be improved, and the knowledge which the local Government possesses, may enable them to remedy some inconveniences which now exist ; but an entire change of that system might create confusion and discontent without producing any corresponding benefit. The committee, therefore, report as their opinion, that the proposed regulations are inapplicable to the present state of Nova Scotia, and that the very trifling pecuniary advantage which might probably be gained by its adoption would not compensate for the dissatisfaction which it would create among that description of persons who are almost exclusively the applicants for grants of land.

It is not easy for those who reside in Europe to form a correct opinion of the difficulty of subduing the wilderness, and reducing it to a state of cultivation. The wild lands, which adjoin populous settlements, may indeed be cultivated to advantage by those who already possess farms which yield them a subsistence, but no land so situated now belongs to the Crown in Nova Scotia.

No. 7.

Statement of the Sales of Crown Lands in Cape Breton from the introduction of the system in 1832, to the 31st December, 1837.

Year.	Number of acres sold.	Gross amount of receipts, including instalments of former years.	Deductions, including expenses of survey, clerk, and contingencies.	Net proceeds, Currency.
1832	6,386	£569 1 0	£ 7 1 0	£562 0 0
1833	14,316	901 5 2	137 19 1	763 6 2
1834	5,717	694 13 5	231 10 3	464 3 2
1835	2,345	418 16 11	137 12 1	281 4 11
1836	1,909	346 6 2	50 6 11	295 19 3
1837	3,715	566 1 5	61 14 2	504 7 3
	34,388	£3,496 4 1	£625 3 4	£2,871 0 9

The net proceeds have been applied to the payment of the Commissioner's salary.

No. 8.

SIR RUPERT GEORGE'S EVIDENCE.

Mem. relative to Lands in the Island of Cape Breton, taken from returns of the Commissioners of Crown Lands.

- | | | |
|-------|---|---------------|
| (1.) | Lands granted in Cape Breton up to 31st Dec. 1837, | 484482 acres. |
| (2.) | Lands granted, sold to the same date, | 34388 do. |
| (3.) | Do. remaining ungranted at the same date, | 1481130 do. |
| (4.) | Estimated quantity of land in Cape Breton, | 2000000 do. |
| (5.) | Land remaining ungranted as above mentioned, | 1481130 do. |
| (6.) | Of which there is claimed by occupants
under Crown leases, | 102262 acres. |
| (7.) | Grants expected by individuals which
are retarded from the deficiency
of surveys, | 77692 do. |
| | | 179954 do. |
| (8.) | Remaining neither granted, leased or promised, | 1301176 do. |
| (9.) | Deducted, supposed to be held under
some claim of ticket licenses, | 200000 acres. |
| (10.) | Deduct probably mountainous, oc-
cupied by small lakes, barren, | 500000 do. |
| | | 700000 do. |

(11.) Quantity fit for cultivation, supposed to be free from any kind of claim derived from Government, 601176 do. of these 601176 acres, great part is supposed to be in occupation of unauthorized settlers, the number of whom it is impossible to conjecture with any approach to correctness. The items Nos. 9 and 10 could be depended upon; both may be a good deal more or less than are there stated. In general terms it may be said that one half of the land of the Island is held under some sort of authority; and that of the remaining, the best lots have been settled on by unauthorized persons. The area of the Island is about three million of acres, but as there is contained within its outline a body of water, probably equal to one third of the whole of the land, is here estimated at about two millions.

The whole of these estimates should be received only as an approximation to the truth, because there are no accurate records, surveys, plans or causes of inhabitants.

Statement of the quantity of Coals raised and of the Revenue derived
from Her Majesty's Mines in the Province of Nova Scotia, in
chaldrons ; Winchester measure.

Year.	Pictou or Albion Mines.	Cape Breton Mines.	Revenue.
			Currency.
1820	2609 chaldrons.	1885 chaldrons.	£1108 13 11½
1821	1400 do	8099 do	2981 2 6
1822	2004 do	5366 do	2472 16 1¼
1823	1400 do	5295 do	2355 11 6
1824	2261 do	7747 do	3404 10 6½
1825	2810 do	7480 do	3385 10 2½
1826	2910 do	8724 do	3865 13 11¼
1827	2573 do	8596 do	3769 10 0
1828	4394 do	10268 do	3333 6 8
1829	5381 do	11126 do	3333 6 8
1830	6045 do	13000 do	3333 6 8
1831	6439 do	21391 do	3333 6 8
1832	12020 do	30840 do	3333 6 8
1833	18698 do	25108 do	3333 6 8
1834	13524 do	18611 do	3333 6 8
1835	16185 do	22938 do	3333 6 8
1836	15339 do	21497 do	5016 13 4
1837	15370 do	23911 do	5261 11 8

No. 9.

List of the annual charges on the Queen's Casual Revenue in
Nova Scotia.

	Sterling.
Salary of the Chief Justice	£ 850 0 0
Do Secretary of the Province	1000 0 0
Do Surveyor General	150 0 0
Do Attorney General	400 0 0
Do Surveyor General, Cape Breton	100 0 0
Do Superintendent of Mines	100 0 0
Do Harbour Master at Sydney	100 0 0
Do Clerk of the Crown	100 0 0
Do 1st Clerk in Secretary's Office	250 0 0
Do 2nd do do	100 0 0
Contingencies	100 0 0
Salary of Commissioners of Crown Lands in Nova Scotia Proper	500 0 0
Salary of Commissioners of Crown Lands in Cape Breton	500 0 0
Annual charges	<u>4250 0 0</u>

The Casual Revenue is derived from the following sources :

	Sterling.
1st—From Her Majesty's Coal Mines, which produce annually about	£4500 0 0
2nd—From the sale of Crown Lands, producing about	700 0 0
3rd—Fees on Commissions, and other documents issuing from the Secretary's Office	500 0 0
Annual Revenue, about	<u>£5700 0 0</u>

No. 10.

Census of Nova Scotia.—31st December, 1827.

Revenue in

Sterling.		
£ 850	0	0
1000	0	0
150	0	0
400	0	0
100	0	0
100	0	0
100	0	0
250	0	0
100	0	0
100	0	0
500	0	0
500	0	0
4250	0	0

sources :

Sterling.		
£4500	0	0
700	0	0
500	0	0
£5700	0	0

County.		Population.				
		No. of Males in the county, exclusive of labourers or servants.	No. of Females in the county, exclusive of servants.	No. of labourers or male servants.	No. of female servants in ditto.	Total No. of souls in the county.
County of Halifax	Peninsula of Halifax,	55046	6466	1321	1106	14439
	District of do	4798	4614	680	345	10437
	District of Colchester,	3606	3597	315	185	7703
	District of Pictou,	6854	6391	408	296	13949
	County of Hants,	3901	3692	619	415	8627
	County of King's,	4756	4654	537	261	10208
	County of Annapolis,	7152	6917	339	253	14661
	County of Shelburne,	5860	5597	273	288	12018
	County of Queen's	1936	1915	251	123	4225
	County of Lunenburg,	4531	4288	315	271	9405
	County of Cumberland,	2568	2415	285	148	5416
	County of Sydney,	6255	5855	430	220	12760
	County of Cape Breton,	8852	8947	583	318	18700
		66615	65348	6356	4229	142548

Comparative Population of Nova Scotia, by census taken in the years 1817 and 1827.

	1817.	1827.	Increase.
District of Halifax, ...	16487	24876	8389
District of Colchester, ...	4972	7703	2731
District of Pictou, ...	8737	13949	5212
County of Annapolis, ...	9817	14661	4844
County of Shelburne, ...	8440	12018	3578
County of King's, ...	7155	10208	3053
County of Sydney, ...	6991	12760	5769
County of Hants, ...	6685	8627	1942
County of Lunenburg, ...	6628	9405	2777
Queen's County, ...	3098	4225	1127
County of Cumberland, ...	3043	5416	2373
Total, ..	82053	123848	41795

* Cape Breton not included.

No. 11.

Statement of the quantities of Land in each County and District of the Province, of Nova Scotia, exclusive of Cape Breton, that have been granted or reserved for the support of Religion and Schools in said Province:—

Date of grant.	Where situated.	For what purpose.	Quantity of Land.
1793	Halifax, County of Hali-	St. Paul's Church	1½ acre
1749	do [fax	St. Matthew's Church	Town Lots
1785	do	St. George's Church	do
1816	do	National School	do
1822	do	Acadian School	do
1813	do	Glebe, St. Paul's Church	580
1750	do	Glebe, St. Matthew's do	24
1832	Dartmouth	Church, &c.	7
1813	Preston	Glebe	544
1813	do	School	442
1765	Iddore	Minister	500
1765	do	Glebe	500
1765	do	School	500
1813	Musquedoboit	Dean and Chapter	3500
1813	do	King's College	5000
1765	Londonderry, Colchester	Minister	500
1765	do	School	500
1765	do	Glebe	500
1769	Onslow	Church, Glebe & School	1000
1815	Pictou, County of Pictou	Presbyterian Glebe, &c.	300
1815	do	Schools	930
1813	do	Glebes	1100
1813	do	Dean and Chapter	500
1813	do	King's College	1500
1761	Falmouth, County of	Minister	500
1761	do [Hants	Glebe	600
1761	do	School	400
1761	Newport	Minister	500
1761	do	School	600
1813	do	Glebe	400
1813	Douglas	Minister	500
1813	do	School	400
1761	do	Glebe	600
1761	Horton, King's County	Minister	500
1761	do	School	600
1813	do	Glebe	400
1761	do	Dean and Chapter	5000

l District of the
n, that have been
d Schools in said

Quantity of Land.
1½ acre
Town Lots
do
do
do
580
24
7
544
442
500
500
500
3500
5000
500
500
500
1000
300
930
1100
500
1500
500
600
400
500
600
400
600
500
600
400
5000

Date of grant.	Where situated.	For what purpose.	Quantity of Land.
1761	Horton, King's County	King's College	5000
1761	Cornwallis	Minister	600
1813	do	Glebe	600
1813	do	School	400
1813	Ratchford Harbour	Minister	500
1813	do	School	500
1813	do	Glebe	500
1813	Parrsborough		600
1813	do	School	400
1813	Wilmot, county of Annes	Minister	500
1813	do	Glebe	640
1763	do	School	403
1763	Granville	Minister	500
1763	do	Dissenting Minister	500
1763	do	School	500
1763	Annapolis	Church and Glebe	4
&c.	do	Minister	1100
1772	do	Dissenting Minister	500
	do	Glebe	1000
	do	School	500
1813	Clements	Glebe	600
1813	do	School	400
1797	Digby	Glebe	943
1813	do	School	402
1803	Weymouth	Glebe	595½
1803	do	School	575½
1803	Sissiboo	Minister	500
1813	do	Glebe	600
1813	do	School	600
1810	Yarmouth	Glebe	600
1810	do	School	520
1810	do	Meeting House	A Lot
1767	Barrington	Minister	500
1767	do	Glebe	500
1767	do	School	500
1806	Shelburne	Glebe	1094
1806	do	School	344
1784	do	Presbyterian Church	Town Lot.
1764	Liverpool	Minister	500
1764	do	School	500
1813	Lunenburg	Glebe	450
1831	do	School	450
1820	do	Church	Town Lot.
1759	Chester	Minister	500
		T	

Date of grant.	Where situated.	For what purpose.	Quantity of Land.
1759	Chester	School	600
1759	do	Glebe	400
1763	Cumberland	Minister	500
1763	do	Glebe	500
1763	do	School	500
1813	Antigonish	Minister	600
1813	do	Glebe	600
1813	do	School	400
1827	do	Presbyterian Glebe, &c.	200
1813	do	Dean and Chapter	3000
1813	Greysborough, city of do.	Minister	500
1813	do	Glebe	600
1813	do	School	400
1813	do [Sydney]	Dean and Chapter	3500
1813	College Lake, county of	King's College	5000
1784	Country Harbour	Glebe	500
1784	do	School	500
The following are held under licences of occupation.			
Date of licence.			
1801	Greysborough	Glebe	41
1810	Aylesford	Glebe	600
1810	do	School	600
The following lots are reserved.			
Date of reserve			
1813	Amherst, Co. of Cumber-	Glebe	600
1813	do do [land]	School	400
1813	Mergonish, Pictou Co.	Glebe	600
1813	do	School	400
1813	Colchester, Bay Colches-	Glebe	600
1813	do [ter Co.]	School	400
1813	Ragged Is. Shelburne do.	Glebe	200
1813	Sable River do.	Glebe	200
1813	Windsor, Hants Co.	Glebe	500
Total of acres.....			87690 $\frac{1}{2}$

600
400
500
500
500
600
400
200
3000
500
600
400
3500
5000
500
500

41
600
600

600
400
600
400
600
400
200
200
500

37690 $\frac{1}{2}$

NEW BRUNSWICK.

The Honorable *Thomas Baillie*.

You are Surveyor General and Commissioner of Crown Lands in this Province; how long have you held those offices?

I was appointed Surveyor General and Commissioner of Crown lands in February, 1824, and retained both offices till the latter end of 1825, when Mr. Hurd was appointed Surveyor General—which he retained till November, 1829, when he was sent to Upper Canada as Surveyor General, the office of Surveyor General then devolved upon me, by which a considerable saving was effected, I have retained both offices from that period until the present time, the two offices are so blended, it is impossible to separate them.

Then you have filled the office of the Crown Land Department from the time it was instituted?

Yes.

Will you state the extent of New Brunswick, and how it is divided as respects land alienated by, and remaining in possession of the Crown?

The Province contains about 16,500,000 acres, of which I consider about 560,000 to be barren, about 3,000,000 acres were granted previous to the sale system in 1827, and about 1,400,000 acres have been sold since 1827. There are at present in round numbers 11,000,000 acres of land available to Government, but from the nature of the soil, where the dense pine forests exist, not much more than half of it can be said to be fit for agricultural purposes at the present moment, but the remainder would doubtless be available at a more remote period, when land shall be more scarce.

You have stated there have been at different periods about 4,400,000 acres granted; what portion of that do you suppose is held by occupants?

Almost half.

How many acres do you consider are actually under cultivation?

About 250,000 acres; but the clearings being generally on the margins of streams, and on the by roads which have never been surveyed, render it difficult to form a correct estimate.

Does this remark refer to land that has been under crops?

Principally under crops.

Besides this land, do farmers think it necessary to have pasture land?

Yes, they generally wish to have as much pasture land as they have tillable land. Much of the pasture land cannot be said to be cleared, because the stumps still remain on it.

Can you form an estimate of the number of agricultural settlers or proprietors residing on farms?

From 12,000 to 16,000.

You have stated that you supposed 2,150,000 acres of land are now in occupancy; this would be averaging 150 acres to each farm; in your opinion is this a proper quantity of land for farmers to have?

N. BRUNS.

Ample for a poor man.

Is it too much for a poor man ?

Looking up to his family, and also a reserve for fuel, I do not think it too extensive.

At the same rate there still remains in the hands of the Crown ?

Land in this Province suitable for agriculture, for 72,000 agricultural establishments. I should say 40,000 immediately, and the remainder for future occupation.

Is this Province divided into districts ?

It was divided into districts by myself when I received instructions to proceed with the sale of lands in 1827.

How is it described in legislative enactments ?

In counties.

How many counties are there ?

The Province is divided into twelve counties, the division lines of which however, with two or three exceptions, have not been surveyed or carried out.

Can you furnish a statement of the extent of the different counties with the improvements made in them, and the land remaining available in each, also the general character and agricultural or other recommendations they may possess (see Appendix No. 1.)

When did the Crown Land Office come into operation as to the disposal of land by sale ?

In 1827.

What has been the method pursued at different times prior to that period, to dispose of and to bring into course of settlement the wild lands of the Province, the property of the Crown ?

From the erection of the Province in 1784 to 1827 the land was disposed of by the Lieutenant Governor and Council, upon a quit rent of 2s. per 100 acres, together with the grant fees under the Royal Instructions, no charge of any consequence having been made during that period.

What grants were made prior to 1784 ?

Several large grants were made when the Province formed part of Nova Scotia, most of which were escheated and subsequently regranted.

Are there any large grants of land still existing in the Province ?

None of an extent to be prejudicial to the country.

What is the largest grant now existing in one name ?

Five thousand acres were granted to the Honourable J. Saunders in 1819.

Is this tract in the course of improvement ?

A very partial improvement, and the settlers in the vicinity complain bitterly of having to pass through a long wilderness, through which they have to break the lower roads in winter time.

Are there any other grants of a similar character in the country ?

No ; but the settlers consider it grievous if even a lot to the extent of 500 acres remain in a wilderness state on the road to the settlements. The proprietor of which performs no road work, and the labour of the settlers is therefore enhancing the value of the absentees lands.

How many lots of land of this description do you consider there are in this country ?

Between two hundred and three hundred. There are few of the back settlers but what have it in their power to complain of the same evil, and

I think the proprietor of lands through which a road passes ought to be obliged to perform a share of the road work.

Are these grants generally held on condition of settlement?

Most of them; but as the proprietor may have extensive improvements on other tracts, he may with some truth declare he has done his share towards the improvement of the country.

This remark, I presume, applies to proprietors resident in the country, and who have made improvements?

Certainly.

Do you consider there are absent proprietors who hold land only with reference to future advantages from increase of price?

There are some, but the number is inconsiderable.

Has there been any land escheated at different periods, and to what extent?

Several tracts have been escheated, to the extent of several thousand acres. Many of those cases, as I stated before, are Nova Scotia grants.

Have there been any recent escheats?

A few.

How much land do you suppose there is now in this Province liable to escheat?

Probably about 500,000 acres. I was preparing a list of lands liable to escheat, but the Lieutenant Governor was apprehensive that it might create strong excitement, and I therefore desisted.

Was that in reference to the present enquiry?

No; it was previous to the present enquiry. I ought to observe there were several escheats of land made for non payment of quit rents, when directed to be collected in 1832. These lands have since been restored by Act of the Legislature.

What steps have they taken since 1827 to carry into effect the disposal of Crown Lands by sale?

Lord Bathurst's letter of the 1st March, 1827, was the cause of the sale of lands in this Province, and I immediately proceeded to carry into effect the instructions I received.—(For this letter see Appendix No. 2.) I stated to the Lieutenant Governor that I was prepared to go on with the sales, and I also gave notice in the Royal Gazette.

What were the terms and conditions of sale contained in your instructions?

Either on payment of purchases or a quit rent. The lands were generally sold by auction.

Was there an upset price?

The usual upset price was 2s. 6d. an acre, including the grant fees.

Has there been much variation in prices of wild land sold under these regulations?

Not much under that regulation, but a very great variation under the regulation of 1832.

What have been the prices and quantities sold under the above regulations?

They are contained in the returns (see Returns) Appendix No. 3.

Have the lands so disposed of been to bona fide settlers, and in what sized blocks generally?

Generally to settlers in blocks of 200 acres each, but many of the settlers never paid the purchase money or quit rents.

Have they forfeited their rights to the lands?

Certainly, though I believe many of them are still living on lands they bid off at those sales in 1827 and 1828.

Do you consider this system failed in producing the benefits expected from it?

There was a violent opposition to it, in consequence of reference to the quit rents being made on the old grants in those instructions, which induced the opposition of the most wealthy and influential persons to the whole system, and a notice issued from the Secretary's office, the 8th March, 1828, allowing persons who had obtained Minutes of Council for certain lands which were forfeited agreeably to the Royal instructions to pay the grant fee on the same, previous to the 1st January, 1829, by which means 300,000 acres was thrown into the market, though the persons who had obtained the Minutes of Council, and who having nothing to pay for the lands, except the grant fees, could under-sell the Crown. This of course crippled my exertions, and the Lieutenant Governor, on the 10th January, 1829, suspended all further sales, until further orders, as will appear by papers marked

The above applies only to land sold; what was done in reference to land held on quit rent?

Persons were permitted to take land on a quit rent, if they preferred doing so, it was fixed at 5 per cent on the amount of the purchase money, or to be bought at any time at 20 years purchase.

Was there much land taken on these terms.

A good deal, several thousand acres.

Were the terms conformed to?

Scarcely in a single instance.

Do the parties still occupy these lands?

I am of opinion that many of them still occupy the lands.

Have any steps been taken to enforce the payment of the quit rents?

None, as the lands are considered forfeited.

To what do you attribute the non-compliance of the parties to the last arrangement?

To the communications made by anonymous publications in the public prints, as well as to reports industriously circulated, that the sale system would be entirely abandoned, and an address was presented by the Legislature to the Lieutenant Governor, to be forwarded to the King in 1829, praying that the old system might be re-established, and asserted that any attempt to collect a revenue in the Province, from the sale of lands would be in vain.

What were the steps next taken to induce settlers on Crown lands?

Heads of instructions were transmitted to me in 1829 (see Appendix) when I again resumed the sale of Crown lands.

What was the nature of the first instructions?

Modifying in some degree the former instructions. The sale of Crown lands now continued rapidly to increase, until January, 1827, so that in the eight years, from the 1st January, 1830, to the end of December, 1837, no less a sum than £134,292 had been received, and £107,764 12s. 7d. remained due upon the sale of 1,339,000 acres.

What amount of the £107,765 12s. 7d. has since been paid up?

Only £44,000 is now due, of which amount about £9,000 remains due on the instalments of tracts under 500 acres each, the remaining £35,000 being instalments due on large tracts, which were purchased principally for speculation, during the excitement which pervaded the

American land market in 1835—this list will shew the operations of the system with the progressive improvement of it (see Appendix No. 4.

Did many of the parties who purchased under this system become actual settlers?

Certainly most of them.

To what do you principally attribute the improvement that took place in that system?

To the favorable operations of the Royal Instructions of 1832, by which an emigrant could proceed to Fredericton within ten days, or a fortnight after his arrival in the country, and ascertain what was open for sale, proceed to view his selection, and return and pay the purchase money, and obtain his location ticket for the lot selected.

What were the usual terms of payment required in this instance?

The land varied in value according to situation, to pay one-fourth down, and one-fourth every year till paid.

Exclusive of purchase money, what was the whole charge of survey, or other expense of location?

All charges were included in the purchase money.

How was the value of the lot applied for ascertained?

Principally by intimate acquaintance with the lands of the country, as well as by reference to the survey.

Were timber lands sometimes included in the purchase?

If there were, an extra price was invariably put on the land.

What was the cause of departing from this system of disposing of lands?

The surrender of the casual revenue to the Legislature, and the two Acts passed in consequence.

How are wild lands at present disposed of?

By the Lieutenant Governor in Council, under provision of the two Acts referred to.

Can you give the outlines of this system?

Persons applying for lands have to present a petition at my office, praying to be allowed to purchase the tract that is described in his petition. I put a certificate as to the vacancy of the land, as also whether it contains any mill site, meadow, interval or pine timber; at the end of the month these petitions are all transmitted to a committee of the Executive Council, with a schedule containing an abstract of all these petitions, the prayer of which petition is either recommended or not, according to the views of the committee, and laid before full Council the following day for approval. The petition and schedule are returned to my office, with the answers and advertisements are prepared, stating all these particulars, which are published in the Royal Gazette.

How is the price of land now defined?

Generally put up at 2s. 6d. per acre, and the money paid down; the minimum price is 2s. 6d. the land has a value attached to it by the Executive Council.

When did this last system come into operation?

2nd August, 1837.

How many acres have been disposed of since that period to the present time.

903 original petitions have been presented, of which 534 have passed and of which 215 petitioners have complied with the Orders of Council, producing £2,297 15s. 11d. up to 5th September, 1838.

N. BRUNS.

b

What class of petitioners have been unable to comply with the Order of Council ?

Actual settlers of a poor description, and squatters.

To what do you attribute the falling off of actual settlers since the adoption of the present system ?

To the delay of obtaining answers to their petitions. The necessity of repairing several times to Fredericton to explain the business. The uncertainty of ever receiving an answer to the petition, by reason of the remoteness of the residence of the applicants, and the limited circulation of the Royal Gazette, and the demand more generally made by the Council for the whole amount to be paid down within fourteen days, in the event of the land being sold by auction, and within 60 days, if by private sale.

Is there any additional expense by survey or otherwise incurred by this new regulation ?

Yes, many of the parties applying for lands which have never been surveyed, and the expense of surveying an isolated lot, frequently makes the price of the land equal to £4 or £5 per acre, besides tending to create interminable confusion in making surveys.

What time would be required under the present regulations, by a settler to get possession of land from his arrival at any port in the country ?

After his arrival in Fredericton, having previously selected his land, he would have to present his petition at my office, which must be in before the 24th of the month, and he could get an answer to that petition the 6th or 7th of the following month.

In respect to Crown lands and forests, has there been any difference in the mode of disposing and selling them from what has been described ?

Nothing in regard to agricultural settlers ; but large tracts have been disposed to different parties for the purpose of enabling them to erect extensive saw mills, and manufacture into lumber the several varieties of timber fit for the different markets.

Are there any large tracts disposed of in this way ?

The principal tract sold for that purpose was 50,000 acres on the river Tobique, at a price of 10s. per acre. A company has since been chartered by the Legislature, which is now in the act of erecting very extensive mills on that river, and they are expected to be in operation this fall. The next tract in extent or importance is 32,000 acres, embracing the heads of the Musquash streams which fall into the Bay of Fundy, about fifteen miles to the westward of St. John. Here there are extensive and valuable mills at work. The next is 24,000 acres to the Nashwank Mill Company. The Nashwank falls into the river Saint John at Fredericton. The mills being situate about three miles from the mouth of the river.

Are there any more large tracts of timber land disposed of ?

No more large tracts of land have been disposed of for the express purpose of supplying timber, but several large tracts have been disposed of from which the parties intend to manufacture square timber, and these parties who have paid up the whole amount, have done work to some extent.

Have these transactions been of recent date ?

They principally took place in 1835.

What were the terms of the grants ?

No conditions of settlement, but simply the purchase. Taxfare not generally in situations where settlements would grow up.

with the Order

settlers since the

The necessity of business. The by reason of the limited circulation of the Council's, in the event of private sale, the loss incurred by

have never been frequently makes the des tending to

regulations, by a any port in the

lected his land, which must be in to that petition

any difference been described? tracts have been g them to erect veral varieties of

res on the river ince been chart- g very extensive eration this fall. embracing the f Fundy, about e extensive and Nashwank Mill at Fredericton. of the river. ed of?

for the express e been disposed mber, and these e work to some

Taqfare not

After the timber is cleared from these lands, what will be their capabilities for agricultural purposes?

They will be well adapted for agriculture. A small sprinkling of pine growing on land is no indication of barren land.

What prices do such land generally realize?

The lands have been sold for 5s to 10s. per acre, in large tracts where of necessity there would be a great variety of quality.

Have there been many lots of the above land over 2,000 acres disposed of?

Probably about twelve or fourteen.

Can you furnish a list of the nature and prices of those grants?

See list No. 5.

What quantity of land of this description remains in possession of and at the disposal of the Crown?

About five millions.

Has there recently been a grant of some extent made to the New Brunswick and Nova Scotia Land Company?

Yes. Upwards of 500,000 acres was sold to them by the Home Government when I was in England in 1832, and the arrangements completed in 1834.

Can you give an outline of the terms and conditions of this sale?

The terms were 2s. 3d. Sterling per acre, to be paid in eight semi-annual instalments. A subsequent grant has passed to include the right to all mines and minerals in the company's tract.

Were there any conditions of settlement?

There were no conditions exacted.

What is the position of this tract of land, and has the company made any progress in improving it?

The position is extremely favourable, being in the heart of the Province, with the river Nashwank flowing through it, as also the south west branch of the Miramichi intersecting a part of it. The company have expended a large sum of money in cutting a road from the Royal Road to the town of Stanley, which they have established on the river Nashwank. About 20 miles from its confluence with the river Saint John, there are also valuable mills erected and other improvements.

Is the soil considered favourable for agriculture?

The soil varies in quantity on so large a tract of land, but large parts of it are exceedingly good.

Are there mines or minerals worked in the country?

An extensive lease of mines and minerals in the county of Gloucester was made about a year ago, and miners have since arrived from England for the purpose of working the copper in that county, which has been found to be of the first quality. Another lease was made some years ago, to a company, for the purpose of working the coal mines on the Grand Lake, and they are now in the act of digging to ascertain what strata can be discovered. Another lease was made of coal in the parish of St Martin, in the county of St. John, and another lease was made of mines in the parishes of Woodstock and Wakefield, in the county of Carleton.

Are these all the mines and minerals at present known to exist in the Province?

By no means, coal is to be found in many other districts, of an excellent quality, and other minerals are also known to exist as will appear by

this report (see Appendix No. 6.) Other applications have been made for mines and minerals, but I don't think the leases have yet issued.

Are all the above disposed of on the same conditions?

Yes, I believe they are with only one exception.

Can you state what the conditions are?

Leases for a term of 50 years. The mines are to be worked within a period of 5 years, and to be forfeited if discontinued working for a period of 12 months, one-twentieth of the produce, after a fixed number of years, varying from 2 to 5, to be the property of Government.

Have any of the mines commenced to make a return?

Not yet, in consequence of the term granted before payment, which was made in consideration of the great outlay that must in all cases be required.

Are any of those mines in operation at present?

Only those in Gloucester, and at the head of the Grand Lake.

What do you consider to be the extent of a mine?

The radius of a mile from the centre.

Is there any clause in those cases to prevent other mines being worked in the neighbourhood?

Only such parts can be restricted as are described in the lease, and that only for a period named.

Are favourable expectations entertained of success from the above undertakings?

Very much so in regard to the mines in Gloucester, as I have understood. The original lessee, Mr. Stephens, who proceeded to England, for the purpose of getting an accession of capital, was to receive a bonus of £2000 a year, for ten years, together with a salary of £500 a year, as superintendent of the works. I have understood that the copper is found particularly applicable to the use of plated goods.

Does the Crown at present receive any revenue from timber?

A very large revenue; the statement here will shew the annual receipts, from 1825 to the present period (see Appendix.)

How are the rangers or deputies paid?

They were formerly paid by fees from the lumber men, varying from £5 to £30, according to the extent of the berth, but in 1830, I did, under sanction of the then Lieutenant Governor, commute those fees, by exacting 3d. per ton on timber, and 6d. per M. foot on logs for lumber; and from that period have had the payment of my deputies in my own hands, requiring them to transmit to me, periodically, an attested account of their services, which accounts are regularly laid before the Lieutenant Governor and Council.

Is the above revenue entirely the proceeds of licenses granted to cut timber?

Yes, exclusively.

When did this system of licenses commence?

About 1820 or 1821, at which time the Lieutenant Governor in Council (who for some time granted licenses on bonds, at 1s. per ton, which bonds were never enforced.) The Lieutenant Governor also addressed the Secretary of State, recommending that some officer should be directed to protect the Crown lands, in consequence of which, I was appointed Commissioner of Crown Lands and Forests, in 1824.

What was the system pursued previous to that time?

Licenses were granted by the deputies of Sir J. Wentworth, who was

Surveyor General of Woods, but no revenue was derived for the benefit of the Crown.

What number of Licenses have been taken out since, and what number of tons of timber have been cut annually ?

Since 1824. (Sec Appendix No. 7.)

In what manner are licenses applied for and obtained ?

From 1825 to 1835, licenses only for a period of one year, or to the 1st May succeeding the period of application were granted by petition to the Lieutenant Governor, which petition was presented at my office, priority of claim of course taking precedence. No objection existing, a license was prepared and signed by me, reserving the same for the Lieutenant Governor's approval and signature ; the license was then entered in the Secretary's Office, as a check, and transmitted by me to the several deputies, to allow the ground to the parties.

What was the price of obtaining a license, and for making the allotment ?

In 1824 the price of white pine was 1s. 2d. per ton ; red pine 1s. 4d. to Government, together with fees, varying from £5 to 30s. according to the extent of the license. In 1825, I raised the price of red pine to 1s. 6d. as it bore that proportion in the market, a further rise took place in 1833, to 1s. 6d. for white pine, and 2s. for red. In 1835, the prices were, white pine 2s., red 2s. 6d., birch 1s. 6d. Lumber per M. square superficial feet, 8s. 6d., and these prices continue now.

What has been the course pursued since 1835, to which the foregoing statement refers.

In 1835, licenses for five years were issued, with a view to induce the party to husband the timber standing on the ground, as under the one year system the party cared only to select the largest and best timber, having of course little regard to what remained, as his interest would then expire.

Does this arrangement still continue ?

The licenses are still in effect, but no fresh ones have been passed since the Civil List Bill.

How are licenses obtained at present ?

The licences are now granted annually only, and the prices are as established by me in 1835, and established by law in 1837.

Is the system of one year licenses thought to suit better than licenses for a longer period ?

No ; I think not ; but in some cases where the timber is not so abundant, no great evil arises from them, though it costs more to keep a vigilant supervision of their transactions.

Was it considered that five years licenses gave a monopoly to parties ?

It was complained of, but without cause, as the licensee was obliged by bond, to pay the Crown for a certain quantity per annum, according to the extent, as also, to render annually his attested account of the previous year's transactions.

Are there any other sources of Crown revenue than already mentioned ?

None ; except the proceeds of the sales of timber cut without license, which sometimes pays double duty, and that which is condemned in the Court of Vice-Admiralty, or in any other Court of Law.

This amount is included in the account you have given in of Crown Revenues ?

N. BRUNS.

c

Yes, so far as regards the double duty, but not the other amounts, as that did not come into my hands. It is however very trifling.

Do these proceeds now pass through your office?

No; the transactions are arranged, and entered in my office, but the proceeds are paid to the Receiver General.

Do the practices you have stated above, in regard to licenses, still exist?

No. In 1887 an act to provide for the civil government of the Province, as also an act to restrain the fifth clause of that act was passed by the Legislature, which gives them nearly the unlimited controul and net proceeds of the Crown Lands, mines, timber, Royalties, &c. for which they undertake to pay the sum of £14,500 Currency per annum to Government. All matters therefore, since the above period, are determined in Committee of Executive Council, the abstract of all timber petitions being prepared by me in the same way as those for land.

Are you aware if alterations have been made that differ from the regulations respecting licenses to cut timber, existing previous to this act?

Yes, the alterations are very extensive, and in my opinion, exceedingly prejudicial, as will appear by this letter, addressed on this subject to the Lieutenant Governor, dated April 30th last.—(See Appendix No. 8.)

In what particular do they differ from those previously existing?

Great and unnecessary delay now occurs in petitioners receiving answers to their petitions. Previously the answer was given on the instant of presenting the petition, and on payment of tonnage money the license was issued, thus making but *one* transaction. At present it is impossible for the party to get an answer under three weeks or a month.

Is there any other objection existing, in your opinion, to the present system?

Yes. By the act to restrain the fifth clause of the civil list act, parties obtaining license to cut timber are allowed to cut any excess over the quantity stated, provided they make application at the Crown Land Office before the 1st May, and as many of the lumbermen would be disposed to take advantage of the facilities thus given to cut a large quantity of timber when they have only paid for a small proportion of it, it would doubtless have the effect of greatly reducing the receipt of the Crown revenues on these transactions.

How is this the operation of the system you allude to?

I consider it quite necessary that a vigilant supervision should be constantly kept over the transactions of lumbermen in the woods, by visits from the deputies, in order to oblige them to apply and pay for any excesses, which they may find manufactured over and above the licenses; and this act allows them till the 1st of May, before any proceedings can be taken against them, consequently the quantity cut cannot be ascertained, because the streams are opened, and the timber in most cases floating down the rivers.

Would this evil be the same if another month than May was fixed as the termination of the license?

I think not entirely. I would not attend to any application for licenses after the 24th of February, because by that time the parties know pretty nearly the quantity they will be able to make before the season breaks up, and then the ranger can, during the month of March, see what has been done previous to the breaking up of the streams in April, and report accordingly.

Has any plan ever been recommended to obviate the above?
Yes, several, that have been recommended by me, will be seen in the document (B.) already given in.

Do the fees for obtaining these licenses still continue?

No; all expence is included in the price of the timber.

By what method do you ascertain the quantity of timber that has been cut under licenses and liable to duty?

The officer can estimate it pretty well by counting the sticks, and measuring the contents of a few of them.

How is the money collected?

The party paying applies to my office for a certificate of the amount due by him on his several applications. He leaves this certificate with the Receiver General, and pays in the sum.

What is the expense of this mode of assessment and collection?

Deputies are paid 20s. per day during the time they are employed in the woods, out of the gross receipts.

Is the lumber at any expense beyond the duty?

None whatever.

From the return of duties given in by you it shows a rise of 9d. per ton from 1830 to 1835, and the same duty now exists, is this a fair duty suitable to the market at present?

I think, considering the state of the home market, it is a fair price, although private individuals frequently obtain much more.

On an average what quantity of timber do you consider an acre of land produces?

It is impossible to give an opinion. I have known upwards of forty tons cut from one acre.

Is there any difficulty or delay in the present system, in settlers and persons applying for licenses, obtaining such grants and licenses on their agreeing to the terms required?

Yes, the inefficiency of the office establishment causes an arrear of upwards of one year's grants, being more than two hundred in number, which naturally produces many complaints, and is certainly a just cause of grievance. Licenses must be kept up to prevent confusion, which otherwise of necessity arises.

Will you furnish me with a list of the present establishment in your office?

Yes, here is a list (Appendix No. 9) of the present establishment, as also of the one recommended by a committee of the Executive Council.

With good and proper arrangements, in what time would a settler be in possession of his grant?

His grant ought certainly to issue in six weeks after the money is paid.

You have stated, in previous evidence, that the establishment recommended by the Committee of Council is insufficient to the work, what do you consider would be a proper establishment for the duties required?

I think two additional draftsmen, and one copying clerk, together with two compilers, already approved by the Lieutenant Governor, indispensable to carry on the duties of the office with satisfaction to the public. This addition would call for an increase of probably £500 a-year.

Is this increase proposed as a temporary measure ?

No, as the prosperity of the country advances, so it is natural to suppose that the business will continue to increase as it has done, which is now double what it was when the establishment was granted.

When was the present establishment of the office fixed ?

In 1830, when a commutation of my fees took place.

Have any lands been granted in this Province for promoting religion and education (Appendix Nos. 10 and 11 ?)

Yes, here is a list of them.

Have you any observations to make on the state of surveys as now carried on in the Province ?

All extensive surveys are for the present suspended. I was carrying on a general survey of the Province when the Act of last year took all power out of my hands. No survey of the Province has ever been made, and the surveys of the old grants are extremely erroneous, and expose errors and collisions which could not have been supposed to exist.

Does it ever occur that different grants are made out for the same lot of land ?

It frequently has occurred, and might continue until a thorough compilation is made of all surveys, which I am now authorized to commence, as will be seen by the accompanying letter (C.) (See Appendix No. 12.)

Is there any difficulty in procuring competent persons to act as Deputy Surveyors ?

I have several very good ones, but they complain of the want of employment, in consequence of the regular surveys having ceased.

Are there any surveys made except by authorized surveyors of land, which have already been granted ?

There are.

Are such surveys recognized in Courts of Law ?

Yes, there is no law to prevent any one surveying.

Does this system tend to depreciate the value of property in the country ?

I think it pernicious, and that it will some day be very injurious.

When a settler applies for a plot of wild land which he points out in the country, how is its position ascertained, and placed on the map, to secure the settler in his grant ?

The usual practice is to measure from the nearest bounds of some survey or granted land.

Can this be relied on as giving a settler a grant of land that cannot be distributed ?

Not without great care and a greater expense than a poor settler can afford, the deficiency is pointed out in the letter (B.) Appendix No. 8.

ROADS.

What method is followed in the formation of the roads in the country ? All these matters have emanated from the Legislature, except in four cases, the most important one being the Royal Road, from Frederickton to the Grand Falls, on the east of the River St. John, and the road from Frederickton to Peticondioc.

How are funds raised, and is their any statute labour in the Province ?

The funds for the first mentioned road came out of the casual revenue, that of the last was paid out of the proceeds of the commutation of quit

rents. The statute labour varies from twenty days work to three days, according to the estate.

What does a small farmer pay ?

From four days upwards.

Upon what scale is the labour regulated ?

On the value of the property.

Do you consider this system is one that works advantageously to the Province ?

No. I think the labour for the most part thrown away, half the amount of money judiciously laid out would be preferable.

Are there annual grants made by the Legislature for this same purpose ?

Very extensive grants of public money are made, and the great roads throughout the Province have been of late years very much improved ; the by-road system is, I think very bad, as the money is frittered away by small grants for portions of roads. (See Appendix No. 13.)

Are those funds managed by commissioners ?

Yes, commissioners are appointed by the Lieutenant Governor and Council, receiving five per cent on the money expended. The great roads are managed by supervisors, who receive ten per cent, and are appointed by the Lieutenant Governor and Council.

Are those generally persons who are qualified for the business ?

Generally speaking I think not, some of the supervisors are very good, and some few of the commissioners may be tolerable.

Are the roads laid out by the commissioners ?

No system has ever been adopted, and the Executive are quite ignorant of the direction of the by-roads. (See paper B. No. 8.)

Has the settlement and prosperity of the Province advanced of late years as much as its natural capabilities and resources have led you to expect from it ?

By no means.

To what do you principally attribute the slowness of improvement ?

To want of a systematic encouragement of emigration, which, in addition to opening up the extensive forests, would naturally increase the consumption of the British manufactures, and thereby increase the revenue of the Province.

Have any great exertions been made of late years to introduce emigration ?

None whatever by the Government, beyond the appointment of agents at St. John, St. Andrew's and Miramichi. The two latter have been discontinued.

Have many emigrants arrived in the Province on their own account ?

A great many ; particularly at the ports of St. John and St. Andrew's, but they generally proceed on to the United States, as there is not sufficient encouragement for them in this Province.

What progress have been made by those in settlement who have remained in the country ?

Those who have obtained employment have done well. Also those who have had money sufficient to obtain land, or to pay one instalment, with a trifle to set them agoing.

Do you consider there is sufficient encouragement for agricultural settlers, provided they are settled on their land without further expence, but who have no capital to begin with ?

Provided a small stock of provisions was bestowed on them with the

N. BRUNS.

d

land, I have no doubt but two or three thousand families could be advantageously settled annually for many years to come.

Would those parties be able to pay down or buy their land at a future period by instalments?

I think by instalments, without any difficulty; and I state this without any hesitation, because hundreds of squatters who have taken possession of Crown Lands now possess cleared farms, varying from sixty acres downwards, besides valuable stock.

How many years would you give before you demanded any instalment?

In three or four years they might begin to pay for their land by instalments.

Have you any remarks to offer on the mode of locating emigrants in the country?

This letter (see Appendix No. 14) to the Under Secretary of State, dated May, 1831, will give my opinion on this subject.

Are there any other causes likely to prevent improvement in emigration besides those you have mentioned?

I think that one of the impediments towards the success of emigrants is that they arrive with erroneous notions with regard to wages.

Do you consider there is injury felt at present from owners of wild lands not contributing towards improvement?

Yes, I do; especially when the land happens to lie where a road passes through it to a settlement, and when it stands in the centre of improvements.

With reference to such exististing evils, and to prevent future occurrences, what would you propose as the best method?

That the owners should pay a tax towards improvement.

If such a tax were determined, and the proceeds of it judiciously expended towards improvements in the country, and to promote emigration, what do you think would be a fair amount for 100 acres?

Five shillings per 100 acres would not be a burden.

Can you furnish a plan of the Province, to illustrate the foregoing remarks?

I can prepare one.

What number of squatters, or persons having no title to the property they occupy, do you consider there are in the Province?

The last return in 1837, gave upwards of 1500 families, about 200 of them have since applied for the lands, and paid a proportion of purchase money.

Do you consider that this number has increased?

I do.

What steps could be resorted to as most likely to remedy this mischief?

A careful inspection of the tracts taken up by them, and survey of the lots, so as to enable the Government to give them titles when they apply for land.

Where are these persons chiefly situated?

The greater number are on the north border of the Province, and about the centre.

Are there many on the borders of the United States?

Not a great many, some few are to be found in those settlements.

What, in your opinion, is an average price for agricultural labour?

From 3s. to 3s. 6d. a day, which includes their living, few farmers can afford to pay them at this rate. If labour was brought to 2s. a day, much more could be disposed of.

Are the wages the same at all seasons of the year?

They are not so much in winter by about 6d. a day.

Is there a scarcity of labour in the country?

I think there is, but the difficulty is to provide for labourers in winter, as much fewer are of necessity required at that season of the year. (See additional Appendixes, Nos. 15, 16, 17.)

The Honorable George Shore.

Have you been many years a resident in this Province ?

Yes, since 1803, during which time I have not been absent from these colonies.

Have you held any official situation ?

I formerly held the situation of Deputy Surveyor General, and of Auditor, and now hold the office of Prothonotary and Clerk of the Supreme Court, and have been a member of the Council since 1821.

Have you attended to the system of disposing of Crown Lands since the regulation of sale in 1827 ?

I have.

What, in your opinion, was the effect of that system as to the settlement of wild lands ?

Injurious, generally speaking.

In what particular do you consider it acted injuriously ?

It enabled vast quantities of land to be purchased by speculators, who did not settle them, but held them in a wild state, with a view to future profit, thereby preventing the improvement of the country.

Did the parties pay the purchase money for their lands ?

Many did, but others failed.

Did the conditions of sale in those cases require settlement ?

No, it was a *bona fide* sale, and had no conditions attached.

What is the system now pursued in disposing of Crown Lands ?

The system above alluded to was continued till 1837, when "an Act for the support of the Civil Government of this Province" was passed, giving a new system for managing Crown Lands, and which is now followed.

In what particulars did this system materially differ from the preceding one ?

The granting of lands under the former system was confined to the Governor, upon the recommendation of the Commissioner of Crown Lands only. Under the present system grants can only be passed by and with the advice and consent of the Executive Council, which I consider a great improvement, and the granting of large tracts of land has been discontinued, and now confined mostly to lots of from 100 to 500 acres.

Are 500 acre lots the greatest that can be disposed of under this regulation ?

No ; there is no limitation as to quantity ; but the Government now discourages the granting of large tracts, as being more likely to facilitate the speedy settlement of the ungranted lands.

How has this system operated in settling this Province ?

It has operated very well so far as it has been tried. It has only been in operation about eighteen months.

On what terms is land now conveyed to the settler ?

The lowest terms are 2s. 6d. per acre, for actual settlement. The land varies in value to an unlimited amount, according to character, situation, or other advantageous circumstances, such as possessing mill sites, intervals, &c.

Do all grants now made include terms of actual settlement ?

No ; land that is sold at public sale contains no such stipulation. Only those who apply for 100 acres, for the purpose of actual settlement, are bound to reside upon and cultivate their lands.

Are there any advantages offered to the actual settler in purchase of land in preference to those of a speculator?

Yes; the purchaser of 100 acres is allowed to select his spot, and his land is not put up for public sale, and it is generally sold at the lowest rate per acre, namely, 2s. 6d.

How is the purchase money required to be paid?

The purchase money must be paid within 60 days, or the land becomes forfeited and open to other applicants.

Does this system remedy the evil complained of as appertaining to the old system, which enabled lands to be taken up by speculators, having no view to immediate settlement and improvement?

The land is not offered for sale in lots of more than 400 or 500 acres, which does in some measure prevent speculation.

Is there any law that would prevent more than one grant being made to the same individual?

There is no law to prevent it, but the Government discourage the granting of lots above 500 acres to any individual.

Does not any attempt to enforce limitation admit of evasion, by grants of land being taken out in other names, and by being transferred?

No doubt it does.

What would you suggest as the best remedy to remove the evil arising from holding blocks of land as above described, and as far as possible to check a continuance of the same system?

By a judicious legal enactment in the way of a tax on wild lands.

If such a tax was determined on, and the proceeds judiciously applied to improvements in the country, and to promote emigration, what, in your opinion, should be its amount?

As far as the tax would apply to large tracts of land, I should not think from 1s. to 5s. on a hundred acres too much, and the tax should be applied to other lands, on condition of improvement, but the details, I am of opinion should be left to the Provincial Legislature to arrange.

Is there any other defect in the present system, besides the one pointed out?

I see no other point requiring alteration at present.

Under this system, what time is required for a settler to be on his land from the time of his applying for a grant?

The settler decides on the land, and makes his application for it (having arranged with the Surveyor General.) He then petitions the Governor in Council, which if complied with, he pays the amount of his fees, and has his land immediately. The time required for the operation must depend upon the date of application. The Council consider such petitions, the 1st of each month. The man may get his answer immediately, sixty days are allowed for the payment of the money, but no more, as after that time the grant is forfeited.

Has the progress of granting timber licenses undergone any material change since the Act of last year?

Yes the granting of timber licenses is by the present law transferred to the Governor and Council, instead of being confined as formerly to the Commissioner of Crown lands, and the applicants are now limited to smaller quantities of land to cut from.

Is the supply of timber equal to the demand in the market?

I think more at present.

N. BRUNS.

Are you aware of any change that might be made in the system of granting licenses that would operate to the benefit of the country ?

The present system will no doubt admit of much improvement, and the subject has engrossed much of the time and attention of the local Government. It is beset with many difficulties, great trespasses are committed, and to remedy this evil, is not an easy task. This matter is under consideration of the Government.

What proportion of squatters are considered to be in the Province ?

Upwards of 2000 I should think.

Are any steps taken to induce or encourage them to obtain grants of the land they occupy ?

Yes they may have their grants by the new Act, on very advantageous terms.

What are the terms ?

They may obtain a grant not exceeding one hundred acres, by paying £12 10s. either down or by four annual instalments.

Do many take advantage of this Act to obtain grants of land previously occupied by them ?

Many instances have occurred.

Do you consider the present system will lead to lessen squatters in future ?

Certainly, because the system now allows any individuals to apply for any lands so held, and causes the squatter to come forward and apply himself, or run the risk of his land being granted to another, this operation has been frequently acted upon.

Does this rule apply to private property, as well as Crown lands ?

It does not.

In your opinion would it be advantageous to the Province, and particularly to that part of it nearest the boundary, to apply this system in all cases ?

I think it would, but there appears to me to be great difficulties in the way of applying this rule to private property.

Is the system of road making generally approved of, and such as you think most beneficial ?

I do not consider the system acted upon by any means perfect, but our roads of late years are much improved. Supervisors of the great roads are appointed annually by the Lieutenant Governor in Council, commissioners of bye roads are appointed by the same authority. The system of statute labour admits of abuse, and I think would be much improved if money were paid instead of labour.

Is the superintendence of roads under this system as efficient as desirable ?

Many of our supervisors and commissioners of highways are well qualified persons, and understand the business. But I think that a general and scientific supervisor is essential to ensure good and permanent roads.

Have you had opportunities of observing the progress made by emigrants who have settled in the Province ?

I have.

What class of emigrants do you consider as most successful ?

Those who have a knowledge of agricultural pursuits. Emigrants from the North of Ireland have made good settlers, also the North of England men, and low land Scotch make good settlers.

Provided such settlements are located free of expense in good soil, in what time do you consider they could contribute towards purchase or rent?

In five years.

What could a settler afford to pay after that time?

The fifth year he could pay sixpence an acre, with a trifling annual increase.

Do you consider they could pay one shilling an acre after 7 years?

I think they might, provided the emigrant was allowed to have a share of the road work.

Would such terms, with an option of purchase at 20 years value of wild land, or a lease for ever be such terms as would be likely to induce emigration, and to contribute to their success?

I think such terms would be advantageous, and would be attended with success.

What capital do you consider an emigrant ought to have to start with their families, averaging four persons each?

I think an emigrant with a wife and two children, if on their arrival in this Province they are to proceed forthwith to their location,—say in June, which I consider to be as favourable a time as any,—must be subsisted for sixteen months, which at a full ration for himself, and a half ration each to his wife and children, would, at nine-pence per ration, amount to about £45 currency. He must be assisted with food for this period if he is expected to remain on his land for the purpose of clearing it. The first summer he can give nothing, except perhaps a few potatoes, and not even then, unless he is a very active and industrious person, consequently he can reap nothing the following year until the month of September and October, when his crops may be gathered. His hut must be built for him, assisted by his own labour, which would perhaps cost £10. The tools and implements of husbandry to be furnished in the first instance, should be two narrow axes, of the best quality, such as are commonly used in this country—9s.; a whip saw to every six families—20s.; a cross cut saw to every six families—25s.; each person two augurs, inch and a quarter and half inch—7s.; each settler two good hoes—7s.; a hand saw, &c.—10s. With this trifling supply he may venture to commence operations. A cow for every four families for the first two years would be very desirable, if fodder could be obtained, and it would be necessary, to induce success in the undertaking, that a pair of stout oxen be provided to every four families, to log up their chopping, after being felled, where the land is heavily timbered. Seed wheat, oats and potatoes must also be supplied the first year of cropping. This would all amount probably to £65 currency for each family. In new settlements the greatest advantage is to be derived from the erection of an oat mill and kiln, in suitable situations, upon a simple and economical plan. An oat crop is always certain, and affords good food when made into meal, and greatly assists the new settler. The straw also is very useful as fodder for a cow or oxen.

Colonel Shore can you furnish a census showing the population of the Province at different periods?

successful?

Emigrants from
north of England

Population of New Brunswick in 1824.

Whites.				Pe ople of Colour.				Total of per- sons.
Males.		Females.		Males.		Females.		
Above 16	Under 16	Above 16	Under 16	Above 16	Under 16	Above 16	Under 16	
22,638	17,154	16,646	16,225	884	355	412	362	74,176

Population of New Brunswick in 1834.

32,477 | 29,009 | 27,709 | 28,031 | 398 | 359 | 496 | 372 | 119,459

What number of militiamen were in the Province last year, and at intervals ten years preceding?

Strength of the militia of New Brunswick in the years

1817..... 6,389 Total strength.

1827..... 17,800 do.

1837..... 20,212 do.

Including officers and non-commissioned officers.

What ages are included in that return?

In the rank and file rate 16 and 45.

And no non-commissioned officer in this return as to age?

The age does not refer to non-commissioned officers.

Do you conceive the above return includes all the men in the Province?

I think a great number are not enrolled; from 3 to 5,000 persons that are not included in this return.

Venerable Archdeacon Coster.

The Surveyor General has furnished the following list of lands granted or reserved for church and schools. Does it correspond with the information you have on the subject ?

No doubt it is correct.

How many incumbents are there in the Province ?

At present twenty-four, and four assistants in orders.

How many parishes are there ?

At present about eighty, but many of them immensely large ; in every Legislative Session the number is gradually increased by the division of such as are found inconveniently extensive.

Are all these provided with land for ecclesiastical purposes and for education ?

By no means, no more than half of those already formed.

How many parishes of 150 square miles would there be in case the whole Province should be located throughout ?

There would be 160 parishes.

In your opinion would the above arrangement be sufficient to accommodate the wants of the people ?

I should consider a parish containing 100 square miles a very large one, and the Province is capable of forming 250 of such parishes.

In case of emigration to this Province on a large scale, what means are there to provide for religious instruction in new settlements forming in the country ?

I know of no funds upon which we can securely count. The colonial legislatures make no appropriations for this object. The Imperial Parliament has withdrawn the assistance it gave, till lately, to the society for the propagation of the Gospel, upon which the church depends, and the withdrawal of such assistance has embarrassed the society, and it is much to be regretted, that by the late arrangement with reference to the Crown lands, the Government has surrendered the control of them without any stipulation for the fulfilment of the expectations which the church had been long encouraged to entertain of help from that source in maintaining and extending its operations throughout the Province.

Upon what were the expectations of which you speak founded ?

Chiefly upon the Royal Instructions to the successive Governors which they were directed to endow with land for the benefit of the church, all such parishes as should be formed agreeably to these instructions.

What quantity of land do you consider would constitute such an endowment as the Royal Instructions designed to each of the parishes, which they directed to be formed ?

Five hundred acres of good land as Glebe, for the maintenance of the ministers, and the same quantity for the building and maintaining of a church, besides what it may be thought proper to allow for the purpose of education in every parish.

Can you state briefly the grounds on which you represent an endowment to this extent as having been designed ?

By the earliest instructions, addressed to Governor Carleton, in 1784, it was ordered that the Province should be divided into townships of about 100,000 acres, (or 150 square miles each,) and that in each of these townships a spot should be set apart for the building of a church, and land allowed for the maintenance of a minister and of a school-master,
N. BRUNS.

	Total of persons.
Under 16	
362	74,176

372 | 119,459
last year, and at

strength.
do.
do.

age ?

in the Province ?
0,000 persons that

and also to aid the building of churches and school houses. The quantity of land to be allowed for these purposes was in each township for glebe (for maintenance of minister) not exceeding 1000 acres, for schools not exceeding 500 acres, for building churches indefinite. In additional instructions to Sir James Craig, dated 1808, it was directed that the Province should be divided into counties, and those counties into parishes, and that in each parish there should be set apart a spot for the building of a church, and adjacent thereto, for the maintenance of a minister, 500 acres, and for that of a school-master (not exceeding) 500 acres, and until the commencement of the late changes in the administration of the provincial affairs, the Executive of the Province considered itself authorized by these instructions to grant to each parish, when petitioned for it by its ecclesiastical corporation, the quantity of land specified in the preceding answer, and did so in various instances.

What do you mean by the ecclesiastical corporation of the parishes?

It is provided by an Act of the General Provincial Assembly that the proprietors of pews in any parish church may elect two church wardens and a vestry of not exceeding twelve members every year; and these church wardens and vestrymen, with the rector, constitute a parochial church corporation, having the powers usually granted to such a body. They are competent to receive grants of land, and manage it for the benefit of the church, in their respective parishes.

What hindered the Royal Instructions for the endowment of parishes from being carried more fully into effect?

Chiefly the small number of clergymen employed in the Province, which prevented the formation of such corporations to apply for and receive grants.

Has there been much improvement upon the lands already granted, and possessed by the church?

In most cases the Glebes are unproductive as yet, and at a distance from towns, and will continue to be so until the country is better settled, unless the clergy engage a little in farming, which (if they have to clear the land) it is by no means desirable they should. But there are two cases (and I believe three) in which the clergyman derives an income of about £100 currency per annum, from his Glebe, and another case in which this income exceeds £50.

What means are there to provide for education in newly settled parts of the Province?

This being a favourite object with the Provincial Legislature, they may, I think, be depended upon to provide pretty liberally for it. We have a deed by which provision is made for a grammar school in each county, and for several schools of an inferior description in every parish, the practice is to grant a stipend from the public treasury, of £20 per annum, on condition of this same sum being made up by the people of any settlement desirous of a school, provided that the sum do not in the whole exceed £160 currency per annum, for each parish.

* The Honorable *Thomas C. Lee*, Receiver General.

At what time were you appointed to the office you now hold ?

In February, 1836.

Will you furnish me with an account of receipts in your office on account of land and timber sales ?

Yes. (See Appendix K.)

Does this list include all sums received on account of the casual revenue since the passing of the new Act ?

It does.

This revenue is now paid to the Province revenue in lieu of the Civil List Bill ?

Yes.

Is the amount received from land and timber exclusive of the expense of collection ?

It is not.

Have you turned your attention to agricultural pursuits in the country ?

Yes.

On what conditions do you consider an emigrant may settle in this Province to support himself and family with comfort and benefit to the country ?

He should have at least fifty acres of good land, from three to four of which should be cleared, a comfortable log house erected, and twelve months' stock of provisions for himself and family. The emigrant should not arrive at a later period than the month of April.

Suppose a man is put in possession of a good piece of land, what capital would he require to carry on his agricultural labours with fair prospect of success ?

About one hundred pounds.

In what time could such settlers begin to make any return, and to what amount ?

I do not think any return could be expected until after the expiration of two years. At that time the settler might afford to make a return of from 1s. to 2s. per acre.

It has been mentioned that the great detriment to improvement in new countries is the obtaining of lots of land by speculators, with a view to future profit by the increased value of such lands, what, in your opinion, could be resorted to in order to remedy this evil ?

I think this evil would be most effectually remedied by a land tax.

James Robb, M. D. Lecturer on Natural History and Chemistry, King's College, Fredericton.

Have you visited different parts of the Province?

I have.

Will you state any observation you have made as to the capabilities of the country for advancement in agriculture or otherwise?

I made an excursion through the north and west parts of the Province. The greatest part of the north parts of the Province is slate rock alternately, in many places with beds of limestone and iron ore. The slate districts contain a fine clay soil, well adapted for agriculture, particularly the upper part of the St. John, and most of the high lands on the Ristigouche River. The eastern shore, as well as the central districts of the Province, are composed of red and grey sand stones, covered generally by a light open soil, best adapted for corn, buck wheat, and potatoes. Granite, trap, limestone, and sandstones prevail along the shore of the Bay of Fundy. These rocks generally rise into high mountains or bluffs, of a character generally unsuited for the operations of the agriculturalist. At the mouth of the St. John, and nearly as high as its junction with the Kennebec, there is good lime, in quantities sufficient for all the colony, and for exportation. The banks of the river St. John, for upwards of 300 miles from its embouchure, as well as those of its very numerous tributaries, with very few exceptions, present a soil for agriculture. The Ristigouche has several small streams, with valleys, well suited for agriculture. The banks of the upper half of the Ristigouche are too precipitous for agriculture. From near the mouth of the Ristigouche, bordering the Bay of Chaleurs, there is fine soil, and as well adapted for agriculture as any part of the Province. The east coast of the Province bordering the Gulf of St. Lawrence, is generally very low, with several spacious harbours, and arms of the sea, formed out of the soft sand stone shore. The same character of coast prevails from Dalhousie to the Bay Verte.

In your journey round the Province, did any extensive forests, and did any mines or minerals, or other striking feature, come under your observation?

There are extensive forests of soft wood on the west portion of the Province. On the east portion of the Province hard wood generally prevails. I found the following minerals or rocks existing in the country. (See annexed list.)

There are numerous rivers in the Province generally, running north-east and south-west. The want of high lands in the Province caused them to approach each other to within a short distance, and points out a great facility for water communication. This is not a river, but has falls which offer most valuable water privilege. The river generally issues from swamps, which form extensive tracts of barren land.

Is the country through which you passed commonly suitable for agricultural pursuits?

The hard wood lands on the east coasts would be available for agriculture.

Is the country generally settled near the roads through which you passed?

Generally speaking, but not always. On the east coast particularly

the roads generally passed through large tracts of forest without any settlement.

Is the unsettled country generally susceptible of cultivation?

Generally, except portions which are barren, and part of the country that was too precipitous for cultivation.

In the parts of the country that were settled, were the people generally improving the lands?

Those who gave themselves up to farming were comfortable—those who lumbered more than they farmed were generally not well off.

Are the inhabitants generally contented?

Those who farmed in earnest, and cleared their lands, were generally contented. The lumberers generally have dissipated habits, and their lands are too frequently hampered with mortgages.

What class of people succeed best in agriculture?

Those from the low lands of Scotland, the north of Ireland. The north and midland of England, and the U. S. appear to prosper best, and are most industrious. The natives also succeed well.

The South of England, the south of Ireland and the north Highland people are improvident, and also the French, with few exceptions.

Does any thing occur to you as wanting to advance the country, and to promote and improve agriculture?

Legislative encouragement in the way of premiums for agricultural advancement. The formation of central and branch agricultural societies, to distribute knowledge, and if possible to enforce the introduction of agricultural science. The Americans have derived great benefit, by introducing instructions in the science of agriculture, along with other branches taught in schools and colleges. As an instance of the defect of agriculture in this Province, the farmers continue generally to pursue the system of spring ploughing, notwithstanding the known backwardness of the spring.

Is there any other cause for want of success in agricultural pursuits?

The majority of emigrants have been poor, and have not had the same advantages that the better class of English farmers have had, they consequently adhere to many antiquated practices. The great errors are not manuring land, clearing too much land, and outcropping land.

What observations have you made in the climate of the different places through which you passed, in respect to agriculture?

Generally speaking there are five months of summer, five months of winter, and two months of broken weather. In Fredericton, in an average year, there are 240 to 250 days perfectly clear from rain or fog.

Is there any part of the Province opposed to agricultural operations?

The precipitous side of the slate mountains of the north, and tracts of barren, the exposed rugged hills on the bay shore, and swamps in the interior. The shortness of the summer in the Bay of Chaleurs is also opposed to agriculture.

Are there many settlers at present at the Bay of Chaleurs?

The south of the Bay of Chaleurs is generally settled. There is a flourishing settlement at Bathurst.

Do the inhabitants of the Bay generally exist by agriculture?

Nine-tenths are farmers, some are also fishermen and lumbermen.

N. BRUNS.

Rocks and Minerals of New Brunswick, as seen by J. R. or ascertained to exist—1838.

Granite.—St. John, near St. Andrews, near Fredericton, near Bathurst—Hammond River—Nisipis. This rock is useful either for building or for making of millstones, exists also in the form of Boulders, all over the eastern half of the Province.

Sand Stone—Including freestone for building and flagging. Grindstone and whetstone is perhaps the most prevalent in this Province. It is found generally on both banks of the St. John, from the Kennebecasis to the Keswick, on the Tobique and its Tributaries, on the east coast of New Brunswick, from Jacquet River, near Dalhousie, to the Missiquash, which separates New Brunswick from Nova Scotia. It is found to extend from the mouth of the Jemsg, where it joins the St. John, north-east to the mouth of the Richibucto, where it falls into the Gulf of St. Lawrence. It is found at the mouth of the Nashwaak, and probably continues uninterruptedly to the mouth of the Miramichi, on the east coast, so that we may reasonably conclude that the central portion of New Brunswick is composed of this rock, when we recollect that coal and ironstone generally occur in sandstone, and that these minerals have already been noticed at several places, we will not fail to perceive the great benefit which may be expected to result from a more minute exploration of the district just mentioned.

B.**LIMESTONE AND MARBLE.**

Bay Shore.—St. John, Musquach, and several points on the Shore of the Bay.

St. John River.—Kennebecines, Salmon River, Nascouckis, Kenwick, Numquat, Presqu'isle, Tobique, Restook, Grand falls, &c.

East Court.—Campbelton, Belledunec, Petit Rocker, New Bandon, Dorchester, &c.

Salt.—Prine Springs in Sussex Vale, Tobique River, Mars Hill.

Alum.—St. John, New Bandon, &c.

Plumbago.—St. John.

Gypsum or Plaster Coal.—Shepody, Tobique, Sussex Vale, New Bandon, Richibucto, Petecodiac, Sackville, Grand Lake, Salmon River, Nashwak, Stanley, Campbelton.

Iron.—Woodstock, Presqu'isle River, Restook, New Bandon, Grand Lake.—I have also specimens of Iron Ore from Meductic River, Fredericton, Charlotte County, Dorchester and Madawaska.

Manganese.—Woodstock, Quaco, St. Martins.

Lead Ore.—Richibucto, Charlotte County.

Copper Ore.—Bathurst, Charlotte County, Eel River.

Tin.—Said to exist on Restigouche.

Antimony Molybdena.—Bathurst.

Marl,

Peat,

Clay for Bricks,

Do

Jasper,

Serpentine,

Mineral Springs.

Indian Tradition of Burning Mountains.

Do

Do

Gold Mines.

Silver.

} Abundance in many places.

CLIMATE OF FREDERICTON.

Mean Temp. of Fredericton, by daily Registers,	48° F.
by observation on wells,	41. 5.
Main Temp. of Edinburgh (Lat. 55. 57.)	47. 84.
Quebec,	41. 74.
London,	50. 36.
Paris,	51.
New York,	53.

The Summer, (3 months) Temp. of Fredericton— $61^{\circ} 2'$ —that of Stockholm, in Lat. 59. 20. N.

Winter, (3 months) Temp. of Fredericton 18. 2. St. Petersburg, in Lat. 59. 56. Greatest variation of Winter Temp. at Fredericton from 20 to 30° —245 days fair weather, average year.

On 25th June, Sir John Harvey got at Woodstock, London papers of 28th May, 3 bushels wheat on 3 acres land (Tobique) give 100 second growth.

At Fredericton—Hardwood, Hemlock,
Grand Falls—Hazle, Epilobium, Raspberry,
Pokiok—Poplar,
Ristigouche—Generally Poplar, White Birch,
Belledune—Poplar, Birch,

Near Miramichi, on heavy pine land—Hardwood, Raspberry,
" Hardwood, Pine.

On fair quality of soil—Cherry. Poorer—Birch and Poplar.

Barren.—Very extensive, generally owing to flat tracts of Sand or Sand Stone. Sometimes to Peat Mosses.

Influence of Burning on Lands.

Eg. Rank Meeds on Portage of Grand River,
Tobique,
Miramichi,

MOST FLOURISHING SETTLEMENTS.

Mary Lands,
Stanley.
Caverhall,
Jackson Town,
Mouth of Tobique,
Flat lands of Ristigouche,
Kouchebougual,
Brixtouche,
Westmorland,
Clay and Marble Lands at Jackson Town,
Sandy at Miramichi.

R. Hayne, Commissioner, N. B. and N. S. Land Company.

Fredericton, 5th October, 1838.

Are you superintending the new settlement of Stanley?

I am the Commissioner of the New Brunswick and Nova Scotia Land Company, and have in consequence the superintendence of the company's establishments and settlements in this Province, of which Stanley is the chief. The accompanying plan and map, with its respective references, will furnish you with much information as regards the soil, situation, &c. &c. of Stanley and its neighbourhood.

Will you state the formation and progress of that place?

The foundation of this infant settlement was laid in 1834-5, by the erection of a saw and grist mill, a blacksmith's shop, some carpenters' sheds, and a few temporary dwelling houses. In reclaiming the wilderness, with a view to the ultimate formation of a town or continuous settlement, the above buildings are indispensable, and no expense should be spared to obtain the best information previous to commencing operations. Stanley now consists of 36 houses, inclusive of two saw mills, a grist and oatmeal mill, a large store and grannery, and school house, and has on the town plot and immediate neighbourhood of the village 170 acres of cleared land under crop.

What is the character of the soil?

The tract of land belonging to the company is too large, (580,000 acres,) and not sufficiently known to permit me to speak in any but general terms of the soil, which I have every reason however to believe, is chiefly of a good quality. That portion of it which surrounds Stanley, for two or three miles on each side of the Nashwaak, is excellent, and capable of yielding any kind of grain or root crops. So also are some scattered blocks on the Heswick, the Mactaquacks, and the Nacawickack rivers. There are also some good blocks of hard wood, and intervale lands on the south west of Miramichi, but they are not of frequent occurrence. I must here except the line of the portage road, from the head of the south west of Miramichi to the river St. John, a little below the Shekitihok, which passes through a beautiful country. The lands bordering on the Nashwaak are particularly well watered.

Have industrious settlers improved their condition, and have they fair prospects of success?

In June, 1836, fifteen families came out from the neighbourhood of Berwick-upon-Tweed, under an agreement with the company, that on their arrival they should be put in possession of a comfortable log house, with five acres cleared and under crop, but owing to the extreme scarcity of labour, the high prices of provisions, and other circumstances, over which the Commissioner (my predecessor) had no controul, unfortunately neither of these works were accomplished. The people were, however, put under cover, and employed in clearing the land on their own allotments, building log-houses, making roads, &c. at very high wages. Most of these families earned from £160 to £200 during the first seven or eight months, notwithstanding this, they are all in debt to the Company, although they have not paid one farthing either in the shape of rent or purchase of their farms. This circumstance has tended to confirm the

N. BRUNS.

48; F.

41. 5.

47. 84.

41. 74.

50. 36.

51.

53.

61 = 2—that of

Petersburg, in
Fredericton from

London papers
give 100 second

erry,

lar.

of Sand or Sand

S.

n,

impression a long residence in different parts of Lower Canada, and fifteen months passed in this Province, has made upon me, namely—that too much encouragement and indulgence in the way of wages and provisions, are as detrimental to the true interest of the new settler, as they are to the prosperity and advancement of the settlement. These settlers have now on an average ten acres clear, and under crop, and two acres chopped down, good houses and small barns, and are decidedly improving their condition. Towards the fall of the same year, (1836,) forty-eight families arrived from the Isle of Skye, Glenelg, &c. &c. under a similar agreement, but finding these people (with very few exceptions) so idle, improvident, and so utterly ignorant of the simplest agricultural pursuit, that in the face of a debt of upwards of £100 per family, I was induced to hold out a premium of from six to eight pounds to each family to quit the Company's territory, and I am rejoiced to add that I have succeeded, with the full concurrence of the Court of Directors, in getting rid of all but ten families, most of whom are now doing tolerably well.

What means do settlers require to set them up in new locations ?

Emigrants wholly unprovided with means, and coming to this country under the auspices of Government, or any public company, ought to be provided with a log house, as covering only for the first two or three months after arrival, two acres under cultivation, one in potatoes, the other with wheat ; with a spade, an axe, a hoe, and an auger, a sufficient quantity of clothes and bedding to withstand the rigour of the climate, provisions to last for five months, viz : the middle of May to yielding of the produce of the land in October, together with four or five pounds for the purchase of comforts for the first winter, would convert an industrious, honest agricultural labourer, into an independent and respectable small farmer in six or eight years. I here suppose that the settler arrives in May, and finds his house built, and his land cropped, and that he will be enabled to make his house frost proof ; clear five or six acres, and perhaps earn two or three pounds prior to the setting in of the winter. I am decidedly averse to giving daily rations as a temporary assistance to settlers, as from a reliance on others for support, this indulgence is apt to engender idleness ; and on its cessation to produce depression and discontent. The system pursued by the company in the disposal of their land, has hitherto been, that each settler on arrival, be put into possession of a comfortable log house, and one hundred acres of land, five of which are to be cleared and cropped, for which the settler is to pay a rent of one shilling per acre, or purchase the lot by instalments, within the first ten years of occupation, at twenty years' purchase, or one hundred pounds. These terms I conceive to be highly advantageous to the settler, but they are at the same time unprofitable to the company, if the system be carried to an extent beyond the mere formation of a settlement, or of the collecting together of a body of steady agricultural labourers, preparatory to the introduction of persons of enterprise and capital, which will be made evident by the following calculation :

Clearing five acres, at £5 per acre	£25	0	0
Cropping ditto	£7	10s.	0
Log house similar to that now occupied by the Berwick emigrants	35	10	0
	£68	0	0

Canada, and
ne, namely—
f wages and
ew settler, as
ment. These
crop, and two
are decidedly
year, (1836,)
&c. &c. under
w exceptions)
t agricultural
family, I was
unds to each
to add that I
Directors, in
doing tolerably

tations ?
to this country
, ought to be
t two or three
a potatoes, the
ger, a sufficient
of the climate,
to yielding of
five pounds for
vert an indus-
and respectable
e settler arrives
nd that he will
six acres, and
the winter. I
ry assistance to
indulgence is
depression and
disposal of their
ut into posses-
f land, five of
r is to pay a
lments, within
urchase, or one
advantageous to
o the company,
formation of a
ady agricultural
enterprise and
ation :

£25	0	0
7	10	0
35	10	0
£68	0	0

thus leaving only £82 to pay for each lot of land, inclusive of the expenses attendant on survey, &c. &c. &c. N. B.—The houses of the Skye emigrants are not so expensively built as the above.

Can they repay any portion of money advanced, and in what time, and how much per year ?

In accordance to my calculation in reply to query No. 5, as to what should be done for settlers of the poorer class, preparatory to arrival, I think no payment can be made for the three first years. I am strengthened in this opinion by the fact that none of the settlers on the company's lands have yet repaid any portion of the advances made for their passage to this country, or paid up any rent or instalment for their farms, notwithstanding the advantages which have been afforded them.

What arrangements should be made previous to the arrival of settlers ?

This question has already been replied to in my answer to query No. 5, as regards the poorer classes, but with reference to the better class of agricultural labourers, I should recommend the same arrangements to be made for them as for the poorer class, only they should be required, not only to pay for the improvements made on their lands, but also to pay an instalment on the purchase of said land on entry. I of course suppose that this class have sufficient capital to maintain themselves for the first twelve or fifteen months.

Are there any points that have come to your notice requiring attention to advance and promote emigration ?

From the specimens I have seen, I am almost inclined to be opposed to emigration *en masse*, unless indeed a clergyman, or some person of high character and respectability, up to whom a body of emigrants could look with confidence and respect, settles among them ; in this case it would be necessary to have as little dealing as possible with petty shop keepers, and to take every precaution to avoid the introduction of spiritous liquors into the settlement. The most thriving and independant farmers I have seen in this country or in Canada, are those who, on their outset carried their provisions on their backs several miles into the wilderness. Fortune and a good selection of land might have favored them, but such is the fact. If funds were no consideration, I should strongly recommend the course I have laid down in No. 5, to be carried out in different sections of the Province. I allude to the construction of a log house, and putting a certain quantity of land under cultivation, prior to the arrival of the emigrant. In all cases I should advise that the charge for land be very moderate, and that each settler be compelled to clear three acres annually, and pay for his land by small instalments. There can be but one opinion as to the class of emigrants, who must inevitably do well, if they will but maintain steady, sober and industrious habits. Agricultural labourers, carpenters and blacksmiths will soon convert the wilderness into a thriving settlement. Gentlemen coming to this country with from eight hundred to a thousand pounds, can purchase and stock a good farm, which, with an annual income of £60 or £100, will, by the exercise of common prudence and industry render them independant. No gentleman should go into the wilderness under the impression that he will there be able to earn a livelihood by his own exertions. I have witnessed many unhappy results from failures in such like attempts. Irishmen are better calculated than any other old country men, for backwoodmen—they stand up against difficulty and hardship with good humour and determination, and sustain privations of food and raiment in an astonishing degree. Lowland Scotch.

men made good settlers. Highlanders are proverbially idle, improvident and unenterprising. Englishmen from Suffolk, Yorkshire, Devonshire and the agricultural counties generally are valuable emigrants.

Will you make any remarks that come to your observation to promote success and advance emigration, making of roads, &c. &c.?

A reply to this query has already been embodied in the foregoing, with the exception of what may refer to roads, the formation of which I consider indispensable to the advancement and prosperity of a new country, as it not only develops its resources, but gives employment to the early emigrant, enabling him the sooner to pay for his land. I should here suggest the expediency of following the system laid down by the company in this particular subject, viz :—that the emigrants of one year be employed in preparing for those who may arrive the next coming season, in clearing lands, building houses, making roads, which latter should invariably be carried, in the outset at least, through the best of lands. To an experienced and practised eye, one hour's inspection produces a more vivid and lasting impression than all the detail I could enter into on paper. I very much regret, therefore, your sudden and unexpected departure from this Province, not only indeed on account of its having deprived me of an opportunity of showing the Company's establishment at Stanley, but because it has compelled me to send you a very hurried and curtailed report, which I shall now conclude by giving you an outline of the present state of the Company's improvements, with which His Excellency Sir John Harvey was pleased to express himself highly delighted, during his recent tour through the Province :—

Stanley is distant from Fredericton about twenty-five miles, the first eight are passed over by the Royal Road, the remainder by a road made solely at the Company's expense, which cost about three thousand pounds. On this line of road, lots of one hundred acres are regularly laid off; sixty-one houses built, and three hundred and eighty acres cleared and under cultivation. The town plot of Stanley contains two hundred and sixty-six acres, one hundred and seventy of which are cleared. The population of Stanley, and the road leading thereto from Fredericton, is two hundred and fifty-six. From Stanley to Campbell, on the south-west river, sixteen and a half miles, a road has been opened, well bridged, and partially cleared of stumps. It will soon, however, become impassable, if the Government or an increase of settlers do not make some pecuniary appointment to complete, by their voluntary labour, what has been so well commenced. On this road there are two hundred acres under cultivation, and three settlers established. At Campbell, the Company have a small establishment, and about one hundred and sixty acres under cultivation. There are about eight houses on the village plot, which, with but little expense, might be made very comfortable residences for mechanics. There are only a few scattered settlements higher up this branch of the river. About six miles below Campbell, at Bocestown, a small village chiefly supported by its mill, there are two horizontal strata of a slate coal, distinctly visible, one about three, the other about five feet from the surface. There are thirty-two lots with houses vacant on the road from Fredericton to Stanley, two thirds of which are good and eligible for settlements. There are a few excellent lots without houses on the road to Campbell; the land through which the road passes is an average quality. On the Royal Road there are thirty six lots having unfinished houses on them, eligible for settlement. There

are also other lots having partial clearances, which, if occupied next spring, (1839,) when the roads are in the course of prosecution, would become valuable, otherwise the brush and underwood will grow up and render the land more difficult to clear than when encumbered by the original growth of timber. The line of projected road to Woodstock, (vide plan,) is eligible for settlement throughout. Should His Excellency the Governor General propose any extensive plan for immediate emigration, I trust the foregoing statement, showing the numerous vacant lots and eligible sites for settlement, may not be lost sight of. I further hope that a knowledge of the fact, that the New Brunswick and Nova Scotia Land Company have, within the short period of three years and a half, expended no less a sum than eighty thousand pounds, in reclaiming their wilderness lands, and rendering them fit for the reception of the surplus population of the mother country, without any early prospect of a reasonable return for this outlay, will induce His Excellency to consider this Company deserving the patronage of Her Majesty's Government.

Signed,

R. HAYNE,

Commissioner, N. B. and N. S. Land Company.

Fredericton, 5th October, 1838.

N. BRUNS.

i

What method do you recommend as best suited to form the roads that you have spoken of?

To have all the trees and under brush grubbed or taken out twenty-four feet in width, then the ground ploughed, and form a trowing of twelve or fifteen inches, also to have a skirting of twenty feet on each side, by cutting down the trees to within two and a half feet from the surface.

What do you consider a road as you have described would cost a mile?

It would not exceed £150 currency a mile, including bridges.

Are there many squatters or settlers without titles in the part of the country you are best acquainted with?

Yes, there are but the greater part are residing within the disputed territory. The remainder are in back settlements off the Saint John, and generally very poor men, with large families.

Are they generally a contented class of persons?

They appear so, although Government periodically threatens to sell their lands if they do not come forward and pay off their instalments.

Do you consider the price of land has been too high in this Province, and detrimental to the settlement of the country?

It has caused one-third less population than we otherwise should have had.

Are the crops of grain and potatoes generally good that are raised on new land, and what is the increase?

They are more certain than on old or cultivated land, and the increase very often double.

Wheat and other grain from twenty to thirty bushels from one. Potatoes from twenty to thirty bushels from one.

of the country
on and general

opportunity of
ting the North
y satisfied that
for agricultural
are to be found
adawaska settle-
st and west.

of the country,
recommend the
nment to certain

adawaska settle-
intersect points

allotments of 100
to prevent them
not to intimidate
is most probable

grant to settle in

ate himself very
provided he met
his allotment of
t for the same in
ge the Govern-
his Province, to
ers on these lines
at the same time
mate lots, I think
utting or making

	100 or	150 acres.

R		

does not prevent

Charles Peters Wetmore, Esquire, Clerk of the House of Assembly.

Road appropriations in New Brunswick for the years 1830 to 1838,
both inclusive.

What official situation do you hold in this Province ?

Clerk of the House of Assembly.

Can you, from the documents in your office, give me any information as to the manner of appropriating the monies for the improvement of the several roads and bridges throughout the Province ?

The mode adopted by the Assembly in making appropriations for the road service is to refer the matter to a Committee of the House, made up by a member from each county, which Committee report the sums to be appropriated, and so much thereof as is required for great roads, is appropriated by that Committee to the respective great roads, and the amount to be expended on the bye-roads is divided between the several counties, in proportion to the extent of bye-roads in each county, leaving the members to make distribution thereof; but no parish gets any portion of the grants unless certificates from the Courts of Sessions, are filed in the office of the Secretary of the Province, and laid before both branches of the Legislature, stating the statute labour in the parish to have been performed.

Under whose direction are these grants expended ?

The great road grants are expended under the direction of supervisors, appointed by the Executive, in charge of each road, and the bye-road grants by commissioners, also appointed by the Executive, after the close of every session. These commissioners are annually recommended by the members for the different counties.

What remuneration is allowed to these officers ?

The supervisors receive a commission for their services of ten per cent on their expenditures, and the commissioners five per cent.

In what manner are the accounts of expenditure made up, and how audited ?

Returns of these expenditures are made up under oath, accompanied by the proper vouchers, and are audited by a Committee of the House of Assembly at every session. To this same Committee are also referred all accounts connected with the expenditure of the provincial revenue.

Does this system of auditing the accounts give satisfaction ?

Certainly, for the members of the Assembly being best acquainted with the situation and condition of the roads in the different counties, have an opportunity of best knowing whether the monies have been faithfully expended.

Can you furnish a scale of the appropriations for roads for a few years past ?

Yes, and I exhibit this abstract for the years 1830 to 1838.—(See scale, Appendix No. 1.)

Are you enabled to inform me of the whole amount of appropriations, say for two years past ?

In answer to this question I refer to reports submitted to the Assembly from the Committee of Finance in the years 1837 and 1838.

Have you any information in your possession relative to the several mill establishments in the Province ?

In 1836 a return of mills, confined to saw mills alone, was communicated to the Assembly, showing the extent and value of the establishments in operation the previous year (1835). There have been no returns since that period. Since that time various companies have been created by Act of Assembly, and there are very extensive mills erected, and now in active operation. Besides these, various private establishments have been built. As to the value of these I can form no estimate.

N. BURNS.

k

Mr. William J. Bedill.

What business are you engaged in?

In the commercial line.

Have you extensive dealings with parties settled in the interior of the country?

I have.

From your knowledge of such persons and their transactions, do you consider the Province offers advantages to agricultural and other settlers?

I consider that in almost all cases where agricultural emigrants have been industrious and saving, they have in a few years become independent. I have known numerous instances of that class of persons being so.

Persons who engage in lumbering are not so generally successful?

When they are prudent and industrious they acquire money to purchase property.

Do many persons continue labourers for a great length of time?

They generally obtain means to become settlers themselves.

Has there been any change in the prices of provisions of late years?

There has for two years. Flour, and provisions generally, have become cheaper.

What has been the change in two years?

There is not much difference in the last two years.

Do the imports increase in articles of provisions?

They increased gradually to 1837. The good season, added to greater agricultural exertion, has caused decrease since that time.

What do you consider would be the expense of maintaining a family of five persons twelve months, comprising a man and his wife and three children?

I think that fifteen pounds would provide a family of five persons with wholesome food, and ten pounds with comfortable clothing for one year.

What class of settlers are most frugal, and least expensive in their mode of living?

The Irish and Welch and the Lowland Scotch make good settlers.

Are there any arrangements that you consider would advance settlements, and benefit emigrants on their arrival?

The first thing they want is land ready for them to settle on, and to know where they are to go, and roads, or a means of communication to those lands.

Have you known many persons who have come to the Province with the intention to settle in it?

Yes, mostly Welsh.

Were those persons generally in destitute circumstances when they left?

No, quite the reverse.

What reasons did they assign for leaving the country?

No given reasons, and many of them returned.

Henry Barlett Rainsford.

Have you resided long in the Province ?

I was born in the country, and have lived in it since then.

Have you had considerable experience in agriculture ?

Yes.

Will you state whether, in your opinion, the climate admits of agriculture, and emigrants settling to advantage to themselves, and on what terms ?

Industrious and sober emigrants can do easier, provided they are settled on a portion of the good land, of which there is abundance in the Province. I have had servants that I did not consider the best of labourers, realize good properties, by settling afterwards themselves, with much greater difficulties to contend with than at present, in consequence of better roads now existing, and better markets.

What ought a settler to have in hand, to settle with good prospect of success ?

I think £50 would set an emigrant going very well.

Could he, after a few years, make a return for any advance ?

I think in five years he could.

What amount could he pay in five years, and could he pay more in succeeding years ?

A man with a farm of one hundred acres could pay £10 a-year after the fifth year.

To do this would a settler require to have any decided advantage as to market, or does it apply to any settler ?

It applies to any settler.

Are there any large parts of the Province capable of agricultural improvement on the above terms, but remaining in a wilderness state ?

Yes, I have seen large portions of it.

Do you consider it desirable to locate settlers in any number in the same place ?

Yes, in settlements of from twenty to fifty families.

What quantity of land ought a settler to possess on beginning ?

I think one hundred acres.

How much of that would be available land when the farm was made ?

Probably one half. The rest would remain in timber land.

Have you known emigrants from Europe pass through the Province ?

Yes.

What is the reason for doing so ?

Their not having sufficient encouragement to settle here. The exports of timber are so great that agriculture is neglected, and the want of room is a check to emigration.

Is there any difficulty in finding land to settle on with sufficient facility ?

Yes, the emigrants are lost in the wilderness, having no person to direct them on their coming to settle on their lands in the interior of the country.

Has there been much increase of agricultural population of late years ?

The increase of fresh settlers has been slow.

Is there a want of labour in the country ?

Yes.

What is the price of agricultural labour ?

From £2 to £3 a month, and they are fed by the employer.

Are these the wages throughout the year?

I do not think the wages vary much any season of the year.

Are there any that complain of the road system?

It is generally thought the contribution to roads ought to be paid in money ;—the poor man would be employed to do this work.

Is there much injury felt by blocks of land being left in a wilderness state?

Yes, a great deal.

Do you consider a tax on such lands would be advisable to cause them to be attended to, if such a tax was applied towards improvements in the country?

Yes, I do.

What do you consider ought to be the amount of such a tax?

I think five shillings on every hundred acres would not be too much.

Mr. Beckwith, Merchant, of Fredericton.

How long have you resided in the Province ?

I am a native of the country.

Have you been in any situation that required you to remark particularly any fact of the Province ?

I was eighteen years in the Crown Land Office, and visited every county in it repeatedly.

Are there any large tracts of the country available for agricultural purposes not at present occupied ?

Many very large tracts.

Are these tracts in possession of the Crown ?

Yes, there are a few large tracts of land, private property, and these were principally purchased with the view to lumbering. There is a clause in the grant of those wood lands, which enables the Crown to obtain re-possession of them when wanted for settlement.

What were the terms on which these leases were made ?

They were to cut £4 per acre of timber per square mile.

What is the duration of these leases ?

Most of them are for five years, and a few in remote places are for twenty-one years.

Is this system still in operation ?

It is not, the leases are now renewed annually.

In what part of the Province have you observed the large tracts of land you alluded to, as favorable for settlement ?

The most extensive tracts favorable for settlement now in the hands of the Crown, are in Gloucester, including Restigouche, Carleton and York County.

What might be the extent of those tracts, inclusive ?

In Gloucester there are upwards of 1,000,000 acres ; in Carleton 1,500,000 acres ; in York 500,000 acres ; in Northumberland 500,000.

Are there other tracts also of considerable extent ?

Yes, principally in Kent and in King's County, in every county is some land fit for agricultural purposes.

Are these tracts in large blocks ?

Generally in one block.

Have you known emigrants to arrive in this Province with a view to settlement, and afterwards remove to other places ?

I have, many.

What were the causes for their doing so ?

They were generally too indigent to purchase land from the Crown, and from the want of capital in this country they have better prospects of employment in the United States.

What has been the success of that class of settlers who have been able to obtain land of good quality after a few years of considerable privation, the generality of them have become independent, and have left their families in comfortable circumstances.

You allude to men who have no capital to begin with ?

I allude to men who were supported and located by charitable subscriptions.

What sum ought they to have to enable them to avoid such privations, and to start with fair prospects of success?

A family of six persons should have £50 after the land is paid for.

Would this sum include house and provisions?

That sum would include every thing, supposing that they have a tolerable supply of clothing. A man starting with more than £50 might purchase land partly cultivated.

Would a settler as above described be able after a few years to make any return?

He would after five or six years.

To what amount per year?

In five years a settler would have grass land for stock; he could pay £5, and could increase this sum by £4 a-year in after years.

What quantity of land is requisite for each settler?

One hundred acres.

What portion of this land could be clear in five years?

There would be twenty-five acres available, and ten or fifteen rough cleared for pasture. This is as much clear land as a settler can work with advantage.

Is there sufficient facility afforded at present for locating emigrants as they arrive in the country?

I think not.

In what particular is that system defective?

A sufficient quantity of land fronting on roads or navigable streams is not at present surveyed. The applicant cannot obtain possession of land on an average in less than from six weeks to three months.

How might this be remedied?

At such parts of the Province agents should be furnished with plans of surveyed grants in the vicinity, and should be enabled to locate emigrants on their application, on payment of a small sum.

What are the wages given to labourers?

Farmers pay from £18 to £24 a-year, and board them; lumbermen get from £3 10 to £6 per month, and board. This is a precarious source of employment.

Is there a want of agricultural labourers?

There is; the farmer cannot afford to pay more, and the men are induced to go to the lumber business.

How does the lumber business proceed?

The large square timber is being exhausted. The timber for mills is nearly inexhaustible, and this business is rapidly increasing, by erection of mills and exports of manufactured timber.

Does the above operation tend to increase or diminish the number of lumbermen?

It will increase the demand for lumber and mill men.

Is the price of flour rising in the country?

The price fluctuates, and depends on foreign markets.

Are agriculturists who are settled in the interior of the country, as well off as persons who combine agriculture with lumbering?

The most thriving parts of the country are where there is no lumbering carried on, at the same time the market is benefited by lumber, a farmer benefits by having a mill in his neighbourhood to take off timber in the winter season when there is no farming going on.

d such privations,
and is paid for.

they have a toler-
than £50 might
few years to make

ck; he could pay
ears.

?
or fifteen rough
settler can work
ing emigrants as

vigable streams is
ain possession of
months.

ished with plans
ed to locate emi-

hem; lumbermen
is a precarious

and the men are

lumber for mills is
sing, by erection

sh the number of

s.
country, as well

e is no lumbering
umber, a farmer
off timber in the

Do emigrants get on better by being located singly or in numbers?
In numbers, and do better when some persons of the country mingle
with them. The great drawback to the country, is the straggling state
of settlements.

What would be a desirable number of families to begin a settlement?

Twenty or thirty families.

Have you observed any class of men, get on better than others?

North of Ireland men are the best settlers, they are good settlers for
all parts.

Mr. William James Berton.

Have you resided any time in the neighbourhood of the Bay of Chaleur ?
Three years.

Were you employed in that place in an official capacity ?

Yes, Deputy Commissioner of Crown Lands, and Deputy Surveyor.

Is there much land in the neighbourhood of the Bay of Chaleur remaining in possession of the Crown ?

A great deal.

Are there many settlers in that part of the Province ?

It is settled all along the skirts of the Bay and the River Restigouche.

What number of settlers are there in the part you mention ?

About 10,000

Has there been any great increase of settlers there of late ?

Not many ; it is a place very little known.

Is the soil favorable for emigrants ?

In general I think it is. There is good and bad land.

How is the climate ?

It is generally fine and remarkably healthy.

Is it favorable for agriculture ?

Along the skirts of the Bay I think it is.

Are the settlers generally thriving and contented ?

They are generally contented and thriving, many have left farms for Canada, thinking it a better country.

Is there much lumbering carried on ?

There is a great deal ; but there is not so much this year.

Is there likely to be an increase of lumbering ?

I think not, unless they get mills established.

How is the timber country at this part ?

There is a fair timber country between Bathurst and the head of the Restigouche also in the direction of Miramichi River, and towards the River St. John. There is fine land for settlement at the Restigouche River.

Does this country admit of agricultural emigrants making a comfortable livelihood ?

Yes, I think so.

On what terms ought a man to start, with good prospects of success ?

A man with 100 acres of good land, starting with £30, would, in a few years be able to pay £5 a year instalment, and if an industrious man he ought to be able to pay more.

What is the rate of wilderness land in that part of the country ?

Two shillings and six pence an acre. I think people would willingly pay these.

Do you consider that settlement is kept back by want of means to procure land without immediate payment ?

Yes, I think it is.

What do people do who cannot procure land ?

They become squatters or they leave the country altogether.

Do some hire themselves as labourers till they can procure money to purchase land ?

Those who have families cannot, they squat on a piece of land ; single men do.

What is the price of labour at that part of the country ?

About £3 a month, exclusive of living, lumberers who are the best men get £6.

Are the failures of the crops frequent from the severity of the season?

Very seldom.

Does the wheat succeed?

Remarkably well.

Is it as favorable as this part of the Province for agriculture?

Nearly so.

As the country becomes better known, do you think there will be much improvement in this place?

I think there will.

Are the fisheries very good?

As fair as in any part of the world. There is cod, salmon, mackerel, haddock and other fish. The lakes abound with trout.

Is the opposite side of the Bay of Chaleur much settled?

It is settled all along the coast. There are some very good farms, as at the south side of the Bay, combining agriculture with fish and lumbering.

Would it be better for the parties if these occupations were separated?

A good deal better. Men by combining lumbering with other occupations seldom succeed in either. The fishing season comes after planting, and does not interfere with agriculture.

What class of settlers are generally in this part of the country?

They are generally poor, of mixed countries, principally French.

Are they generally peaceably disposed and contented?

Quite so, and are a loyal body of people.

How is the road through this country?

It is partly good to Bathurst. There is one making from Bathurst to Restigouche.

What means must a settler arriving at Chaleur take to procure land?

He must come himself to Fredericton, or employ a person to obtain a grant for him. It is a tedious and uncertain process, and there would be many more settlers if a means was provided for them to settle.

What expense must be incurred before a settler can get his land?

His trip to Fredericton, and expense of survey, would be £8. If lots were surveyed and marked out beforehand, there would be a great deal more settled.

What number of settlers are there at Bathurst and Dalhousie?

About two hundred farms at Bathurst, and at Dalhousie there are about one hundred and sixty farms.

What number of square rigged vessels trade to this port?

One hundred to Restigouche, one hundred to Bathurst, and six or seven to Shippey.

Is this the average number?

About one hundred and fifty is the average number to all the places. Vessels of the largest tonnage go to Restigouche.

Is the Bay stopped by the ice in the winter?

The Bay freezes nearly across.---(See letter from Mr. Wedderburn)
N. BRUNS.

APPENDIX

TO

EVIDENCE FOR NEW BRUNSWICK.

No. 1.

The Province of New Brunswick contains about 16,500,000 acres, and is divided into twelve counties, namely, Restigouche, Gloucester, Northumberland, Kent, Westmoreland, Saint John, Charlotte, King's, Queen's, Sunbury, York, and Carleton.

The county of Restigouche has been very lately separated from Gloucester, and it will therefore be as well to include any observations relating to it under the head Gloucester.

The county of Gloucester, including Restigouche, is bounded—north by the river Restigouche and the Bay of Chaleur, west by the county of Carleton, south by the county of Northumberland, and east by the Gulf of St. Lawrence. It had a population of 8,923 in 1834, and contains about 2,304,000 acres, of which only 476,000 acres are granted, leaving 1,828,000 acres of vacant Crown land, so far as the title is concerned; but as this section of the Province is chiefly a lumbering district, much of the vacant land is appropriated for that purpose, and produces a very handsome revenue to the Crown.

The old grants of land were generally made to the French Acadians, and for many years they formed the only inhabitants. Of late years, however, the British settlers have taken their way there, and the country is rapidly improving in every respect.

The cultivation of the soil is attended to by the poorer classes, who are settled along the coast, and on the different rivers and roads. Some of the wealthier classes have also fine farms; but the general character of the district is decidedly commercial.

The only towns are Bathurst, Dalhousie, and Campbelltown.

The town of Bathurst is the shire town, and is situated on the harbour of the same name, formed by the Bay of Nespisiguit, into which the beautiful river of that name falls; as also the Tellagouche, Middle River, Little River, and Bass River, besides other smaller streams.

The town is improving very rapidly; many opulent merchants having established themselves there. The whole district abounds in rivers and streams, which appear to be formed by nature to facilitate the removal of the vast pine forests with which the land is covered.

The town of Dalhousie is the shire town of the new county of Restigouche, and distant from Bathurst about fifty-four miles, further up the Bay of Chaleur, or rather at the mouth or estuary of the river Restigouche. The town is at present small and stragling, but is prettily situated, and the harbour is safe and commodious. The town will, doubtless, rapidly rise into importance—commercial houses of the first character having branches of their business there.

Campbelton is situate on the right bank of the river Restigouche, about sixteen miles above Dalhousie, opposite to the entrance of the Kempt road, leading to the river St. Lawrence. It is the property of one individual, Mr. Ferguson, and will, in all probability, in the course of a few years, be a place of some importance.

The waters surrounding these coasts abound with cod, mackerel, herring, and other sea fish, but the fisheries are not followed up on a large scale. The poor settlers, however, always look for assistance from that source.

The county of Northumberland is bounded on the east by the Gulf of St. Lawrence, on the north by the counties of Gloucester and Restigouche, on the west by the counties of Carleton and York, and on the south by the counties of Sunbury, Queen's, and Kent, and comprises 3,200,000 acres, of which 984,000 are granted or located, leaving 2,216,000 acres still vacant and at the disposal of Government.

This county in 1834 contained a population of 11,170, and which has since been rapidly increasing. It has hitherto been principally a lumbering district, but much of the land is well adapted to farming, more particularly on the south-west branch of Miramichi River, and its tributaries—the Renous, Barnaby's, and Bartholomew's Rivers. There is also much fine land in the parishes of Chatham and Glenelg, which include the Bay de Verte and Black Rivers. The north-west branch of Miramichi has been noted for its pine forests. There is much land on its tributaries adapted to settlement, and many of the settlers have of late given their attention to agriculture, and a society has been established at Chatham for its promotion. The principal rivers are the Miramichi and its branches, on which are situate the flourishing towns of Nelson, Newcastle and Chatham;—Newcastle being the shire town.

The Miramichi is navigable for ships of the largest class to Bobears point, a distance of twenty-five miles from its mouth. The south west branch is navigated as high as Boistown, 100 miles, by tow boats and batteaux, and communicates from thence with the River St. John, by a portage. The north west branch is navigated by boats of a similar description for about twenty-five miles.

The mercantile house of Cunard & Co. have recently erected a steam saw mill on a very extensive scale, at Chatham, and Messrs. Gilmour and Rankin have saw mills established near Moorfield, besides many others in the county, for the manufacture of deals for the British markets, and boards for the West Indies.

The north shore of Miramichi Bay was early settled by Acadian French. The southern side as well as the banks of Miramichi River is occupied by a mixed population of British and French origin. The settlements on the south west branch, extend as far up as Campbell, one of the principal establishments of the New Brunswick Land Company. The herring and salmon fishing along the shores of Miramichi Bay, has been much attended

to, and has been found very productive. There is reason to believe that minerals exist, though to what extent has not yet been fully ascertained.

Northumberland exports annually a large quantity of squared pine timber to the mother country, receiving in return its manufactures. A steam boat plies weekly during the summer months, between Chatham and Prince Edward's Island.

The trade of this country owes much of its prosperity to the enterprise of the mercantile houses of Cunard & Co. and Gilmour & Rankin, whose establishments have already been mentioned in this sketch.

A large revenue is derived from the wild lands, the property of the Crown in this country. A regular conveyance for passengers, &c. exists between the principal towns (viz : Newcastle, Chatham and Nelson) and the seat of Government.

The county of Kent is bounded on the east by the Gulf of Saint Lawrence ; north and west by the county of Northumberland, and south by the county of Westmoreland. It includes within its area, 806,400 acres, 354,000 of which are granted or located, there being 452,400 acres remaining now vacant.

This country, in 1834, contained a population of 6,031, since that time, however, there has been considerable increase. The face of the country is level, and there is much land of good quality. Its principal rivers are the Richibucto, Kouchibouguac, and Kouchibouguacis, the Aldoine, and Cocagne River, discharging into the Gulf of Saint Lawrence. The rapidly increasing port of Richibucto, the shire town, is situated on the left bank of the beautiful river of the same name, about six miles from its mouth. It has a very good harbour for vessels of large size, and exports annually a considerable quantity of timber and deals, several saw mills having been lately erected for the supply of the latter material, as well on the Richibucto as in other parts of the country ; that of Messrs. Raymond and Gnegau, on Kouchibouguac river deserving particular notice.

The sea coast of this county was settled by French Acadians, who were attracted by the extensive salt marshes, which skirt the numerous Lagoons, yielding excellent fodder for cattle. A number of Scotch and Irish settlers have formed the thriving settlement of New Galloway, about eight miles south of the Richibucto, and on the post road of communication from Halifax to Miramichi, which intersects the country.

The fishery on the coast is not extensive, though the French settlers derive much benefit from that source.

This county is reported to contain minerals, but to what extent, or of what quality is yet doubtful.

Kent possesses great natural advantages, having good harbours ; and its forests contain great quantities of excellent spruce and pine, for manufacture into deals and boards ; but the want of a direct communication with the river Saint John, by way of the Grand Lake, and from thence to the seat of Government, is much felt, and the state of the roads generally in this district is such, as seriously to retard its settlement.

Westmorland is bounded, north by the county of Kent : westerly by King's, and Saint John : southerly by the Bay of Fundy and Nova Scotia : and easterly by the Bay of Verte, and the Straits of Northumberland, dividing it from Prince Edward's Island. It contains 1,312,000 acres of which 532,000 remains vacant.

Its population in 1841, was 11,500 persons. This county is decidedly

of an agricultural character, and there are many wealthy farmers who own extensive properties. The timber trade being very limited.

The Peticoudiac, which flows through it, is a large river, having extensive wild marshes on its banks, and it is navigable for vessels of considerable burthen to the Bend,—a distance of about thirty-five miles from its discharge into Chegnecto Bay, an arm of the Bay of Fundy. The Memramcook, and the rivers Tantamar, and Au Lac, are famed for their extensive marches, which yields abundant crops.

Dorchester is the shire town, and is situate on the east bank of Memramcook river, and on the great road from Halifax to Fredericton, passing through the county. It is in a thriving state, but has little trade.

Large quantities of grindstone of excellent quality are annually exported from this county to the United States, minerals are stated to exist. The face of this county is generally level, and is well adapted for agricultural pursuits. The waters on its extensive sea coasts are stocked with a variety of fish.

The population is partly of French origin, but the British are much more numerous. It is well intersected by excellent roads, and bids fair to improve rapidly, as a better system of farming is adopted.

The communication with Fredericton will be much improved by the new line of road, now being opened from the Bend; a distance of ninety miles, and a large tract of superior land will be thus opened for settlers.

The county of Saint John lies on the northern shore of the Bay of Fundy, and is bounded on the east by Westmorland; on the north by King's and on the west by the county of Charlotte. It contains 414,720 acres of which 288,720 are yet vacant.

In 1834, the county of Saint John contained a population of 20,668 persons, none of whom are of French origin.

The river Saint John, after a course of upwards of 400 miles, here falls into the Bay of Fundy. Its navigation is partly obstructed by falls, about one mile from its estuary, but steam boats and other vessels of moderate size pass in safety at certain times of the tide, and ascend to Fredericton, a distance of eighty-four miles by water, but not more than sixty-five by land.

The soil of this county is generally poor, and stony along the rocky shores of the Bay of Fundy; there is, however, some good land in the interior, and that on the eastern part of the county is well adapted for cultivation, but the want of a good road to the coast has hitherto prevented its settlement.

The important and rapidly increasing city of St. John is built on the left bank of the river, at its discharge into the sea, where there is a noble harbour, open at all seasons of the year.

This city, together with its suburbs, has a population of about 15 or 16,000 inhabitants, and is a place of rising importance, from its situation, which commands the trade of a great portion of the Province. Its timber trade with Great Britain and the West Indies is very extensive, principally to the former, and many persons are engaged in ship building.

Emigrants arrive annually at this port, and in considerable numbers, from Great Britain, but the greater part immediately pass on to the United States, attracted by the high rate of wages in that country.

n

N. BRUNS.

Herring are caught on the shores of the Bay of Fundy, both for provincial use and for export to the West Indies.

Through St. John a large quantity of wheat and flour is yearly imported into New Brunswick. It is to be hoped, however, that, ere long, the Province will raise sufficient for its own consumption.

The county of Charlotte also lies on the northerly shore of the Bay of Fundy, between the county of St. John on the east, and the State of Maine on the west, and is bounded on the north by York, Sunbury, and Queen's counties. Its population was 15,852 persons in 1834;—The number is now probably much greater.

The whole contents of the county is 783,360 acres; and 303,360 being granted or located by the Crown, there remains 480,000 acres still available. It is watered by the rivers Leprce, Magaguadavic, Digdegash, and Saint Croix or Chiputneticook, the last of which form part of the Province boundary on the west. None of these rivers are navigable above the head of the tide, except for small boats and canoes.

Charlotte was settled about the year 1784, by American refugees and loyalists, and there are no French in its population.

Some parts of the county are well cultivated, especially in the parishes of St. James', St. Stephen's, and St. David's. The land yet vacant is chiefly of a good quality, and the settlement of the country is rapidly increasing, and although an extensive trade is carried on in the manufacture of deals and boards, a majority of its inhabitants are engaged in farming, and an agricultural society is established at St. Andrews.

The principal saw mills are at St. Stephens, on the St. Croix, and at St. George, on the Magaguadavic, both of which places are in a thriving condition, and are situate at the heads of the tide way.

St. Andrew's is the shire town, and is prettily built on the left bank of the river St. Croix, where it empties into Passamaquoddy Bay.

The population is about 2,000, and it exports square timber, deals, and boards, and considerable quantity of fish are annually sent to the West Indies.

Grand Manan is an island of about 40,000 acres, lying in the entrance of the Bay of Fundy, and is a part of this county. Its shores are much resorted to by fishermen, but the cultivation of the soil has been little attended to.

Some of the bye-roads of Charlotte are very good, and a direct line of road has lately been opened through the forest, connecting St. Andrew's with Fredericton—a distance of seventy miles. The post road from the city of St. John to the United States also passes through this county.

King's County is situate on both sides of the river Saint John, and is bounded on the north by Queen's; on the west by Charlotte, and on the eastern side by the county of Westmorland.

Its population was 12,195 persons, in 1834. It contains 849,920 acres; 244,000 acres of which are yet vacant. This county is watered by the Kennebecasis, and Hammond Rivers, on the banks of which are several extensive and flourishing settlements. The greater part of the vacant land is of good quality, and the county being well intersected by roads in every direction, the Crown lands are of easy access.

Kennebecasis and Bellisle Bays, extensive branches of the river Saint John, are navigated by schooners, and afford the means of communication with the city of St. John, where a ready market is found for all kinds of country produce.

Kingston is the shire town, and is a place of little importance, as its

situation, which is midway between the Kennebecasis and Bellisle, prevents it from participating in the benefits of trade. This county was early settled, and much attention is given to agriculture.

Queen's County is bounded south easterly by King's, and north westerly by Sunbury. It had a population of 7,204 persons, in 1834.

470,000 acres of land in this county yet remains in the hands of the Crown, and 491,280 acres have been already granted or located, the whole contents of the county being thus 961,280 acres. The river Saint John runs nearly through the middle of this county. Salmon river is a large stream, well timbered with pine and spruce, discharging into the Grand Lake, a magnificent sheet of water, and the largest lake in the Province. It is twenty-two miles in length, and about three or four in breadth, and communicates with the river Saint John on the east, by a narrow channel called the Jemseg. It is navigated by schooners, and steam boats ply occasionally between Saint John and the coal mines at the head of the lake.

On the same side of the river Saint John, and about six miles below the Jemseg, is the entrance of the Washademoak, a beautiful river, more than a mile in width in many places, for a distance of twenty miles, where it is much narrower; thence it is called the New Canaan, from the settlement of that name which is formed on its banks.

On this river and its branches, there is an extensive tract of vacant land suitable for settlements.

The river is navigable for schooners, drawing four feet of water to the head of the tide, a distance of about thirty miles.

On the banks of the river St. John, Grand Lake and the Washademoak Lake, are extensive settlements, and much back land is also cultivated.

Gagetown is pleasantly situated on the right bank of the river Saint John, and is the shire town.

Coal has been found in abundance in the neighbourhood of the Washademoak and the Grand Lake, and an enterprising company are now actively engaged in working coal on Salmon river, about four miles above the head of the Grand Lake.

The county of Sunbury lies on both sides of the river Saint John, between the counties of York and Queen's. Its population in 1834 was only 3,838 persons.

The county contains 782,080 acres, of which 369,080 are granted or located; thus leaving 413,000 acres yet vacant.

The Oromocto river runs into the river St. John, from the south. On its sources the land is good, and there is also a considerable tract of fine land, fit for settlement, on Little River, which discharges into the French Lake, where, as well as in the Maquapit Lake, with which it is connected great quantities of gaspereau and herring are annually caught.

The north bank of the river St. John, in the parishes of Mangerville and Sheffield, is low and flat. The annual freshets of the river add much to its fertility, and there are some wealthy farmers in this district who have fine stocks of cattle.

Ship building is carried on at the mouth of the Oromocto River, near which stands the county Court House.

The county of York is divided by the river St. John, into two nearly equal parts, and is bounded above by Carleton, on the west by the State of Maine, and on the south-east by Sunbury.

Its population was 10,478 persons in 1834, and has since been rapidly on the increase.

York contains 2,201,600 acres, of which 921,600 are granted or located; the remaining 1,280,000 are vacant.

The principal rivers are the Nashwaak, the Kesiwick, and the Nackawickae, discharging into the river St. John on the north, and the Pokick, Shugamok, and the Eel river on the south.

The south-west branch of the River Miramichi flows easterly, through the northern part of this county.

The north branch of the river St. Croix takes its rise in an extensive chain of lakes which divide this county from the State of Maine.

The Oromocto Lake is a beautiful sheet of water, ten miles in length, by four in width, and the new line of post road from Fredericton to St. Andrew's passes over a fine ridge of land on its western shore.

The New Brunswick Land Company purchased 589,000 acres of land in this county, from Government, in 1832. The tract is situate north of of the river St. John, and includes much excellent land. The company have laid out a site for a town, called Stanley, on the river Nashwaak, nearly in the centre of their purchase, where they have made large improvements, and they have opened several roads for the location of emigrants.

The greater part of the Crown land in this county is of a superior quality, more especially in the southern part, also to the eastward of the river Nashwaak, and there are several flourishing settlements in the interior of this county, which have sprung up within a few years.

Fredericton, on the right bank of the river St. John, is the shire town, and the capital of the Province. It has a population of about 3,000 persons, and derives much benefit from its situation at the head of the navigation, eighty-four miles from St. John, and the tide ebbs and flows about nine inches.

Four steam boats ply between this place and St. John, besides a number of sloops and schooners.

The transportation of merchandise, &c. above Fredericton is carried on by tow boats; and the river is generally frozen over from the latter part of November to the middle of April.

The Royal Road extends from Fredericton to the Grand Falls, a distance of one hundred miles, and when completed will form part of the great road from Halifax to Quebec. The present route by the river St. John is one hundred and thirty miles, and very hilly, being on the banks of the river.

York contains vast forest of pine and spruce, the duties arising from which add much to the revenue.

No county in the Province holds forth greater inducements to the emigrant; and all kinds of produce find a ready market and good prices.

Carleton is bounded on the west by the State of Maine and the territory now in dispute between Great Britain and the United States, on the north by the river Restigouche, dividing it from Lower Canada, and on the south by the county of York. In 1834 its population was 9,493 persons.

This county contains about 2,592,000 acres 504,000 are granted or

located, and 2,088,000 acres are yet vacant, and in right of the Crown. Carleton extends on both sides of the river Saint John, for a distance of upwards of eighty miles.

The rivers Restook, Presq'isle and Meduxnakik discharge into the Saint John, from the west; and the Beedquimir, Tobique and Salmon Rivers, from the east, besides many others of less note.

The Restook is a noble river, having nearly its whole course within the disputed territory. The river Tobique rises in several large lakes, near the centre of the Province, and runs westerly to the river Saint John, through immense pine forests, a distance of nearly 110 miles.

The Royal Road which has been already noticed, passes over a superior tract of country, on which, when the road is completed, many hundred emigrants might advantageously be settled; some of the land in this county is superior to any in the province, and the fine settlements of Jackson and Richmond lying between the river Saint John and the Province Line, are in a thriving condition, and sufficiently prove the fitness of the soil for cultivation.

Woodstock, the shire town, is prettily situate on the right bank of the river Saint John, sixty miles from Fredericton, and a line of road has been explored, which will connect it with the sea port town of Saint Andrews, on the coast of the Bay of Fundy.

Lumbering has been much followed on the numerous waters of this county, and its forests furnish white and red pine of the finest quality, but little of the latter description now remains.

At the Grand Falls of the river Saint John, in the upper part of the county, saw mills, for the manufacture of deals, for the British market, have been lately erected by Henry John Caldwell, Esq. and the Tobique Mill Company have a similar establishment at the Red Rapids on the river Tobique.

Plaster of Paris is found in this county, and iron ore of the finest quality has been discovered near Woodstock.

No. 2.

Crown Land Office, Fredericton, May 21st, 1837.

Sir,—I have the honour to acknowledge the receipt of your letter of the 17th instant, stating that you were directed by His Excellency the Lieutenant Governor to request that I would proceed immediately to carry into effect the instructions which I have received relative to Crown lands, and to submit to His Excellency the measures which I purposed to pursue for that purpose.

In reply, I beg to acquaint you, for His Excellency's information, that I intend, in the first place, to divide the Province into districts, each defined as nearly as may be by natural boundaries. Such land as should be fit for settlement in each district I shall recommend to His Excellency to be laid out into townships, which townships will then, with his sanction, be offered for sale. I am at present in possession of sufficient information respecting several tracts, to submit to His Excellency the expediency of surveying them previous to the sale, which I should wish to have in the month of July, thereby enabling the purchaser to commence clearing immediately.

I shall continue to collect such information as will enable me, from time to time, to report to His Excellency on various tracts fit for settlement, so as to keep the survey and sales continually going on.

I have to request that you will represent to His Excellency the necessity of my being furnished immediately (in order that I may be enabled to continue my reports) with the following information, viz. :—

Alphabetical lists of all grants subject to the payment of quit rents, and all particulars respecting the same.

Maps of all the granted lands in the Province, distinguishing each respectively, on a scale of fifty chains to an inch.

I have further to request that you will move His Excellency to cause the Attorney General to furnish me with a form of quit rent notice, and a form of notice and conditions of sale of land.

I have the honour, &c.

(Signed,)

THOMAS BAILLIE.

Wm. F. Oddell, Esq.
&c. &c. &c.

Department for Crown Lands and Forests,

Fredericton, April 30th, 1838.

Sir,

Having been directed by Your Excellency, to suggest for your consideration any measures which I might consider would improve the present system of disposing of the waste lands of the Crown, I have the honor to state .—

First, with regard to land ; that it appears, since the first of September last, six hundred and sixty-one petitions have been presented to the Executive Council, eighty-one only of which have been followed up by payments being made upon them—and of the above number of six hundred and sixty-one, fifty were exposed to public sale, and only eight purchased, leaving no less than five hundred and eighty petitions unnoticed by the applicants. Thus proving beyond a doubt that something must be wrong, and that the present arrangement does not answer the expectations entertained by its projectors, and that the settlement of the country is retarded in an alarming degree.

This arises, in my humble opinion, from three causes.

First—The delay occasioned by the necessity of submitting to the Council every petition for a hundred acres of land, however simple the question must be, where there is only one applicant for a lot which has been surveyed, the quality consequently well known, and the price of which has been already established by law.

Secondly—The obligation of paying the whole amount of purchase money within fourteen days, although this plan has been recommended by very high authority, and passed into law by nearly the unanimous voice of the House of Assembly. I am nevertheless of opinion that the country is not prepared for it, and that we are not rich enough at present to admit of it as a general measure. The consequence is, and will be, to drive those poor men, who are unable to raise the whole amount of purchase money, to become squatters and take possession of the land they have applied for, not having the means of removing from the neighbourhood of their relatives, in which they generally congregate and there apply for a lot for themselves.

The third is, the want of surveys to connect the bye-roads ; for nothing I consider is more intimately connected with the settlement of the country than the bye-roads throughout the Province, upon which thousands of pounds are annually expended ; of these bye-roads little or no information is possessed by the Executive, and therefore no uniform system can be applied, so as to render a connection of them eligible for the location of emigrants, and new settlers. These bye-roads are frequently the best settled parts of the country, occupied by a hardy and industrious class of people, whose sons and relatives are those who principally now petition for land ; yet for want of a proper connection so as to open up the best lands for settlement, these poor people continue to apply for isolate lots to be surveyed for them, thus perpetuating a mode

BAILLIE.

of surveying, which will some day be the bitter curse to the country, engendering strife and law suits amongst neighbours, in order to determine boundaries, which in all probability have never been started from known and governing points, for were such small lots as one hundred acres to be surveyed for a poor man, it is scarcely to be supposed that he can afford to pay the surveyor for searching out accurately the boundaries of the nearest grant, but will generally shew to him some tree which he declares to be an angle of some particular grant, and which, in all probability the surveyor will adopt, knowing his employer's inability to pay him for further search. This work is therefore generally done in such a manner as to leave me without any evidence of its incorrectness, and the error is not discovered till the mischief is done, and then the blame is heaped upon the Crown Land Office, when in fact the fault is alone chargeable against the system.

This we know used to be the case when individuals were in the habit of paying the surveyors for isolated surveys, and thence have arisen those painful and conflicting claims of persons who had taken up land in the neighbourhood of each other, where subsequent more correct and connected surveys and compilations have discovered one tract to have been already under grant, previous to the other patent issuing; this is not one solitary case, but is of so frequent occurrence as already to be an evil of some magnitude. To remedy this, therefore, I should propose that no isolated surveys should, on any account be made, but in order to provide lands for settlement in all directions, a survey should be made of every bye-road upon which money has been granted the last session of the Legislature, and that when the returns are made, a skeleton map on a large scale should be prepared on which every great road and bye-road should be correctly exhibited, it will then be apparent on which of the bye-roads it would be desirable to connect, so as to open up the country, for the purpose of affording lands for settlement in every part of the Province, without resorting to the present most pernicious mode of surveying detached lots.

This plan if followed up, will also give many of the bye-roads a superior character to that which they now bear. It has been too much the practice to allow the bye-roads to be opened from some main road for a certain distance through the wilderness, without any apparent ulterior object for continuing it further than the huts of a few straggling settlers, thereby establishing a mere cul-de-sac.

My plan is to connect as many of these bye-roads as possible, and to survey land on both sides into lots of one hundred acres each, not so narrow and so long as to deter settlers from taking up the second and third tiers, but so square as to make the distance to the rear lots, a matter of little consequence, the lots should therefore be twenty chains by fifty.

The present practice of submitting to Council, every petition for a small lot of land, wherein ninety-nine cases out of one hundred there is really nothing to consider, is, in my humble opinion, an unnecessary delay to the applicant and useless trouble to the Lieutenant Governor and Council. I should therefore recommend that Your Excellency should approve of the scale of any surveyed land not exceeding two hundred acres, at such established price as may be determined upon, and that the purchaser should be allowed to pay by four annual instalments as heretofore, paying one down and giving a bond for the remainder. That the grant should issue as soon after as possible. That a list of all purchases

and payments should be transmitted yearly or oftener to my Deputy in each district, so that he should not only know who had a right to settle upon Crown lands, but also to be able to give information to any person enquiring as to whether any settler had paid for his land or if not, how much he owed upon it, and for such information he should be allowed a certain fee. No evil surely could arise out of such a measure, because the annual returns to the Legislature would enable any member to represent it, did it exist in the remotest degree.

The Deputy would also have a plan of all the surveyed lands in his district, and be enabled to inform the public as to the vacancy of any land in those surveyed tracts. This would save many a poor man a long and fruitless journey to Fredericton, and would, I am convinced, be highly satisfactory to all classes of the community.

It has been asserted, that by allowing the poor man to purchase land by instalments, you erect that class of persons which ought to exist as labourers into land holders, and thus make the price of labour high; I deny that such is the effect produced in this country, where labour, except in very large towns, is not in sufficient demand to maintain a separate class of persons as labourers; on the contrary, it is in the most thickly settled parts of the country, where the poor landholder manages to spare a portion of his time in order to convert it into money, that labour is the most abundant, and consequently the cheapest. It must be therefore out of the abundance of small landholders that labour will, for many years to come, be supplied to the country.

Be that as it may, however, it is very apparent, that by enforcing ready payments for land in this country, you are either driving the settlers from the Province, or encouraging them to become squatters; knowing, as they do, that whatever measures may be enforced against them, their condition can scarcely be made worse, and that no prosecution can be so general as to include them all; every one therefore hopes that he may escape the severity of the law, and if not, that he can bring his case before a British Governor, by petition, and in the mean time he is providing a shelter and subsistence for his family, which, under almost any circumstances, he considers himself justified in doing.

The number of squatters, therefore, I have reason to believe, still goes on increasing, each believing that some more favourable or lenient measures will yet be adopted towards them.

With respect to the present mode of disposing of Crown timber, little can be said in its praise, because it is making that complicated which might be so simple. In many respects the following auction system would be desirable, but as there is a strong feeling against the plan of selling timber at auction, I will also suggest a plan of disposing of the timber at private sale.

I should recommend all timber and lumber (except for mill owners on the streams where the mill is situated) should be sold at public auction, to be held at the Crown Land Office, every second week, commencing on Monday, and the highest bidder should be the purchaser;—that twenty-five per cent on the quantity sold should be paid down, and bonds given to pay the balance on or before the 24th of June following, without interest, but interest to be exacted after that period, until the bond should be paid, which ought not to exceed the 1st of November. This mode of selling the timber every fortnight would put it in the power

P

N. BRUNS.

of every person who might wish to cut more than he had bought on any lot, again to buy such additional quantity as he might find it advisable to make. No sale of timber should, however, be made between the 1st of March and the 1st of May, in each and every year, nor should any application, or description of berth, be received after the 24th of February, to be sold the 1st of March, nor before the 24th of March, to be sold on the 1st of May.

The plan for disposing of Crown timber by private sale is as follows :

That petitions should be presented at the Crown Land Office, as at present, but instead of their going before your Excellency in Council,—and thereby consuming much valuable time,—the Commissioner of Crown Lands should, where there is no collision in the applications, prepare the licenses, and transmit them, as at present, to your Excellency for signature. In the event of there being two or more applicants for the same berth, it should, after due notice, be sold at public auction. That twenty-five per cent of the amount of the license money should be paid prior to the issuing of the license, or rather should be paid at the time that the ground is declared vacant, and a bond for the balance payable on the 24th of June following the season in which the timber is to be cut, and after that date the bond should bear interest until paid, which should in no case exceed the 1st of November.

In order to deter persons from applying for small quantities, with the intention of cutting much more than the license expresses, all excesses of timber, besides being liable to seizure, should invariably, if not applied for by the 24th of February, be charged with at least sixpence per ton extra ; because it is always so easy to apply under the above favourable conditions, and this would tend greatly to assist the Deputies in making the necessary inspections, and put the Crown and the lumberer upon the fairest grounds of mutual defence and security.

I have the honour to be,

Sir,

Your most obedient servant,

(Signed,)

THOMAS BAILLIE,
C. C. L.

No. 3.

Table shewing the contents in Acres, of each County of the Province of New Brunswick, the extent which has been granted or located by the Crown, and the extent yet remaining vacant, and at the disposal of Government, in each.

	Vacant.	Granted and located.	Contents.
Gloucester, including the newly erected County of Ristigouche, ...	1828000	476000	2304000
Northumberland, ...	2216000	984000	3200000
Kent, ...	552400	354000	806400
Westmoreland, ...	532000	780000	1312000
Saint John, ...	126000	288720	414720
Charlotte, ...	480000	303360	783360
King's, ...	244000	605920	849920
Queen's	470000	491280	961280
Sunbury, ...	413000	369080	782080
York, ...	1280000	921600	2201600
Carleton, ...	2088000	504000	2592000
Totals	10129400	6077960	16207360

ought on any
advisable to
en the 1st of
should any
he 24th of
f March, to

as follows:
ce, as at pre-
ouncil,—and
r of Crown
, prepare the
ey for signa-
for the same
ction. That
ould be paid
at the time
nce payable
ber is to be
paid, which

ies, with the
l excesses of
f not applied
pence per ton
ve favourable
es in making
mberer upon

vant,

AILLIE,
C. C. L.

No. 4.

Statement of amount received on sale of land in each year from the 1st July, 1827, to the 5th September, 1838, showing the number of acres sold, and amount received in each year, viz. :—

Date.	Number of Acres.	£	s	D
Half year ending 31st December, 1827	10888	435	4	0
Do do 1828	103048	510	12	4
Do do 1829	2850	402	15	9
Do do 1830	37722	2888	6	7
Do do 1831	61100	3907	7	0
Do do 1832	62760	5980	12	3
Do do 1833	90840	9855	5	8
Do do 1834	42122	5858	9	9
Do do 1835	251874	26649	10	8
Do do 1836	164196	30450	7	6
Do do 1837	49229	15515	6	1
Do to 5th Sept. 1838	21848½	3343	10	4
Note.—In addition to the above a sale of 500, 000 acres to the New Brunswick Land Company in 1834.....	500000	32000	0	0
Total	1397917½	£137797	7	11

Department for Crown Lands and Forests,
Fredericton, N. B. Oct. 3rd, 1838.

No. 5.

Statement of Land sold in lots of 1000 acres and upwards, showing to whom sold, date of sale, county, amount of sale, and price per acre, from commencement of the sale system in 1827.

from the 1st
number of acres

S D

35 4 0
10 12 4
02 15 9
88 6 7
07 7 0
80 12 3
55 5 8
58 9 9
49 10 8
50 7 6
15 6 1
43 10 4

00 0 0

97 7 11

Purchaser.	Date.	County.	Amount.	Price per Acre.	Quantity.
				s. d.	acres
George Whitaker	Nov. 1831	King's	£108 0 0	2 0	1080
William Hughson	Jan. 1832	do	100 0 0	2 0	1000
John Campbell	July do	York	150 0 0	2 6	1000
J. W. Jouett	Aug. do	do	100 0 0	1 8	1200
Messrs. Desbarrets	Nov. do	Westmoreland	46 19 2	grout fees	3000
Horatio N. Hill	May, 1833	York	210 0 0	3 6	1200
George M. Porter	do	do	180 0 0	3 0	1200
James Porter	do	do	210 0 0	3 6	1200
John Porter	do	do	270 0 0	4 6	1200
Joseph Porter	do	do	210 0 0	3 6	1200
William Porter	do	do	180 0 0	3 0	1200
John Hill	June do	do	210 0 0	3 6	1200
Samuel Hill	do	do	180 0 0	3 0	1200
George S. Hill	do	do	270 0 0	4 6	1200
Wm. Ld. Libby	Aug. do	do	280 10 0	4 8	1200
George Lindsay	do	do	178 10 0	2 11½	1200
Wm. E. M'Allister	do	do	322 10 0	3 6	1900
James Allanshaw	do	Charlotte	437 10 0	3 6	2500
M. M. Snodgrass	do	Carleton	165 0 0	3 0	1100
L. S. Campbell	do	do	182 2 0	3 0	1214
H. M. Campbell	do	do	197 8 0	3 0	1316
H. P. Fleetwood	Oct. do	do	300 0 0	3 0	2000
Jno. M'Allister, jr.	Dec. do	York	400 0 0	3 0	1000
Ninean Lindsay	do	do	885 8 48	10	2000
James Rait	Feb. 1834	Charlotte	210 0 0	3 6	1200
Ditto	do	do	360 0 0	4 0	1800
Gideon Knight	April do	do	100 0 0	2 0	1000
James Vernon	June do	do	208 10 0	3 0	1390
Duncan Barber	do	York	329 3 46	6	1000
Lowdham & Harri.	Nov. do	Carleton	330 0 0	3 0	2209
James Douglas [son]	July, 1835	York	2000 0 0	5 0	8000
Henry Seely	do	Charlotte	630 0 0	7 6	2800
Duncan Barber	Aug. do	York	1000 0 0	10 0	2000
Ditto	do	do	1281 5 0	16 3	2500
C. C. Bradbury	do	do	3012 10 0	7 6	8000
S. P. Frink	do	do	1850 0 0	9 3	4000
John Marks	do	do	2067 10 0	7 1½	5800
James Campbell	do	do	1575 0 0	5 3	6000
Peter Stubbs	do	do	1850 0 0	9 3	4000
David P. Pinner	do	do	1087 10 0	7 3	3000

N. BURNS.

Purchaser.	Date.	County.	Amount.	Price per Acre.	Quantity.
				s. d.	Aeres
Beverley Robinson	Aug. 1835	York	£929 13	9 5 3	3500
Cummins Robinson	do	do	420 0	0 5 3	1600
Josephus Moore	do	do	2625 0	0 5 3	10000
Thomas E. Perley	Sept. do	do	1540 6	8 6 2½	4960
F. E. Beckwith	Oct. do	{ Carleton, Queen's, York, }	1178 7	8 5 3½	4450
Wm. J. Bedell	Nov. do	St. John	320 0	0 2 6	2500
Ninean Lindsay	do	York	4950 0	0 8 3	12000
Duncan Barber	Dec. do	Charlotte	3000 0	0 6 0	10000
James Campbell	do	York	326 13	4 4 1	1600
A. C. Starritt	do	do	386 15	0 7 9	1000
Joseph C. Allen	do	do	2800 0	0 7 0	8000
Moses H. Parley	do	St. John	8800 0	0 5 6	32000
G. F. S. Berton	Jan. 1836	Carleton	25000 0	0 10 0	50000
Harris Hatch	do	Charlotte	175 0	0 3 6	1000
James Albee	do	York	562 10	0 6 3	1800
Alexr. Campbell	March do	do	1087 10	0 7 3	3000
James Rait	do	Gloster	256 0	0 4 0	1280
Ditto	do	York	412 10	0 8 3	1000
Beverley Robinson	do	do	1708 6	8 4 1	6800
Samuel Abbott	May do	Charlotte	3000 0	0 6 0	10000
Chrisr. Murray	June do	York	1500 0	0 6 0	5000
Wm. J. Bedell	July 1836	do	5475 0	0 6 1	18000
James Fraser	do	Charlotte	1375 0	0 5 6	5000
Joseph N. Clark	Sept. do	York	937 10	0 6 3	3000
James Rait	do	Charlotte	150 0	0 3 0	1000
James Millican	Dec. do	St. John	300 0	0 6 0	1000
Geo. D. Robinson	do	do	300 0	0 6 0	1000
D. L. Robinson	do	do	300 0	0 6 0	1000
W. J. Bedell	do	York	1429 11	8 6 1	4700
Joseph Walton	Jan. 1837	Charlotte	500 0	0 5 0	2000
John Hill	Feby. do	York	1500 0	0 6 3	4800

Department for Crown Lands and Forests,
Fredericton, October 3rd, 1838.

No. 6.

NEW BRUNSWICK—Crown Lands Return for the year ending 31st December, 1837.

County.	No. of grants.	No. of acres.	No. of grants.	No. of acres.	Name of Grantee.	For what.	Extent of Grant.		
							a	r	p
York	9	193 1 18	16	2913 ..	Rector, &c., St. Mary's Parish.....	Church.	686	..	..
					A. Blackwood.....		800	..	..
					C. Murray.....		5000	..	..
					C. B. Bradbury.....		8000	..	..
					J. McAllister.....		1000	..	..
					G. Cheyne.....	Military.	1385	..	..
					D. Barber.....		2000	..	..
					Rector, &c., Bathurst.....	Church.	550	..	..
					Trustees &c., St. Andrew's Church, Chatham, }.....	do.	550	..	..
					Trustees St. James', Newcastle. }.....	do.	500	..	..
Northampton	11	635	46	7055 ..	A. C. Starrett.....		600	..	..
					Rector, &c. Grand Mannan.....	Church.	825	..	..
Charlotte	11	556	19	4125 ..	H. Seelye.....		900	..	..
					J. Allanshawe.....		2500	..	..

Price per Acre.	Quantity
d.	Acres
3	3500
3	1600
3	10000
2½	4960
3½	4450
6	2500
3	12000
0	10000
1	1600
9	1000
0	8000
6	32000
0	50000
6	1000
3	1800
3	3000
0	1280
3	1000
1	6800
0	10000
0	5000
1	18000
3	5000
0	3000
0	1000
0	1000
0	1000
0	1000
1	4700
0	2000
3	4800

County.	No. of grants.	No. of acres.	No. of grants.	No. of acres.	No. of Grants above 100, and not exceeding 500.	No. of Grants under 100 acres.
Name of Grantee.	For what.	Extent of	Grants exceeding 500 acres.			

Westmoreland.....	3	186	32	15550	Ezra Stiles	600 ...
Z Kent.....	7	390	34	5400	{ Chief Justice, Archdeacon, Provincial Secretary, Attorney General, Solicitor General, and their successors in office in trust for Church corporation to be yet established.	9731 ...
BURNs.	660 acres					
York.....	330					
Carlton.....	1406					
Gloucester.....	1356					
Northumberland.....	2217					
Westmoreland.....	3806					

Total number of Grants passed in the year 1837,—433 grants, comprising 556 grantees.
 Total number of Acres granted in 1837,—119,560 a. 1 r. 9 p.
 Total number of Acres sold since the commencement of the sale system in 1827,—1,359,000 acres.
 Total number of Acres granted under the sale system..... 895,225
 Previous to the sale system..... 2,518,223

Total number of acres granted.....3,413,448

Total number of Acres ungranted, (of which 463,775 acres are contracted for,) 10,593,175.

No. 7.

List of grants and leases which have been given in New Brunswick of mines and minerals, with the conditions and restrictions on which the same have issued :—

1.—A grant for ever to the New Brunswick and Nova Scotia Land Company, of all the mines and minerals within their purchases.

2.—William Stevens, a lease for fifty years, from the 17th October, 1837, of mines and minerals in the county of Gloucester, subject to the following conditions and restrictions :—

That the lessee shall have five years to explore and select his mining ground, and open any shaft or shafts ; that after the expiration of the said five years the purchaser will be confined to such mines only as he may have opened and worked, and shall then have in operation ; and should it happen that during the said term of fifty years any mine should be unworked for the space of twelve consecutive months, the said mine so remaining unworked shall revert to the Crown, and that a per centage equal to one twentieth of the produce of the mine or mines to be opened and worked under the authority of the said lease be exacted from and paid by the lessee after the expiration of ten years, from the date of the sale or lease.

It is to be understood that the radius of one mile round any shaft shall constitute a mine.

3.—Richard R. Ketchum, a lease for fifty years from 1838, of mines and minerals in the parish of Waterfield, county of Carleton, subject to the same conditions and restrictions as the lease to William Stevens.

4.—Moses H. Perley, a lease for fifty years, from the 16th of July, 1838, of mines and minerals in the parish of Westfield, King's county, and parish of Lancaster, St. John county, subject to the same conditions and restrictions as the lease of William Stevens.

5.—John Alexander and Alfred Randali, a lease for fifty years, from the 7th of December, 1837, of mines and minerals in the parish of Saint Martin's, county of Saint John, subject to the following conditions and restrictions :—

That the lessee shall have two years to explore and select their mining ground, and open any shaft or shafts. That after the expiration of the said two years, the lessees will be confined to such mines only as they may have opened and worked, and shall then have in operation. And should it happen that during the said term of fifty years any mine should not be worked for the space of twelve consecutive months the said mine so remaining unworked shall revert to the Crown, and that a per centage equal to one twentieth of the produce of the mine or mines to be opened and worked under the authority of the said lease, be exacted from and paid by the lessees after the expiration of four years from the date of the sale or lease.

It is to be understood that the radius of one mile round any shaft shall constitute a mine.

No. 8.

Statement of Duties on Timber and Lumber, showing the quantities and amount of duty in each year, from September 30th, 1824, to September 5th, 1838, viz:—

Date.	TIMBER. Tons.	LUMBER. Sup. ft. per M.	Amount.
To December 31st, 1824	48948		£2447 8 4
.. .. 1825	244100		12205 0 8
.. .. 1826	97238		4861 18 0
.. .. 1827	126509		6325 9 2
.. .. 1828	170041		8502 1 8
.. .. 1829	136395	4413	9717 12 11
.. .. 1830	168939	7301	9308 6 2
.. .. 1831	144724	9915	8748 11 8
.. .. 1832	122882	14783	8646 12 8
.. .. 1833	88144	12243	8945 14 1
.. .. 1834	153914	16670	15052 18 11
.. .. 1835	130074	14824	15293 7 9
.. .. 1836	96387	12825	16173 18 0
.. .. 1837	40190	6977	10324 8 3
To September 5th, 1838	34847	8565	9481 14 9
What quantity of timber..	1803332		
	Lumber..	108516	
			£146035 3 1

Note.—From 1824 to 1830, the duties were 1s per ton on timber.
 3s per M feet of lumber.
 .. 1830 to 1834 .. 1s 3d per ton on timber.
 3s 6d per M feet of lumber
 .. 1834 to 1838 .. 2s per ton on timber.
 3s 6d per M feet of lumber

Department for Crown Lands and Forests,
 Fredericton, N. B. October 3rd, 1838.

No. 9.

Indoor Establishment.

Deputy Commissioner	..	..	£346	3	0
Accountant	..	..	200	0	0
Assistant do.	..	..	60	0	0
Chief Draftsman	..	..	180	0	0
Assistant do.	..	..	130	0	0
Do. do.	..	..	60	0	0
Messenger	..	..	33	17	0
Total	..	..	£1010	0	0

Contingent Clerk hire.

Two assistant Draftsmen, at £60 each,	..	..	£120	0	0
Two Compilers, £200 each,	..	..	400	0	0
			£520	0	0
Grand total	..	..	£1530	0	0

Crown Land Office,
Fredericton, September 27th, 1838.

No. 10.

Schedule of Lands granted for the use of the Established Church of
England—New Brunswick :—

County.	Acres.
York	4242 $\frac{1}{2}$
Carleton	2882
Gloucester	1627
Northumberland	4831
Kent	720
Westmoreland	4831
King's	7551
Queen's	1917
Sunbury	1294
St. John	1928
Charlotte	6140 $\frac{3}{4}$
Total acres granted	36445 $\frac{1}{2}$

**Schedule of Lands reserved for the use of the Established Church of
England—New Brunswick :—**

County.	Acres.
Gloucester	2
Charlotte	71½
Total acres reserved	73½

**Schedule of Lands granted for the use of the Established Church of
Scotland—New Brunswick :—**

County.	Acres.
Saint John	1500
York	1500
Northumberland	2076
Kent	500
Carleton	500
Charlotte	500
Gloucester	1000
Total acres granted	7576

No Lands reserved for the Church of Scotland.

**Schedule of Lands granted for the use of the Church of Rome—New
Brunswick :—**

County.	Acres.
Gloucester	100
Kent	12
Total acres granted	112

No Land reserved for the Church of Rome.

N. BRUNS.

46 3 0
00 0 0
60 0 0
80 0 0
30 0 0
60 0 0
33 17 0

10 0 0

20 0 0
00 0 0

20 0 0

20 0 0

Church of

Acres.

4242½
2882½
1627
4831
720
4831
7551
1917
1294
1928
6140¾

36445¼

Schedule of Church Lands—New Brunswick :—

Church of England—Granted	..	36445 $\frac{1}{2}$ acres
.. .. . Reserved	..	73 $\frac{1}{2}$ "
Church of Scotland—Granted	..	7578 "
Church of Rome—Granted	..	112 "
Total	.. .. .	44206 $\frac{1}{2}$ acres

No. 11.

Schedule of Lands granted for educational purposes—New Brunswick :—

County.	Acres.
Charlotte	47
Gloucester	0 $\frac{1}{2}$
Saint John	320 $\frac{1}{2}$
King's	2647
Queen's	236
Sunbury	500
York	6379 $\frac{1}{2}$
Northumberland	300
Westmoreland	1000
Total acres granted	11430

Schedule of Lands reserved for educational purposes—New Brunswick :—

Charlotte	460
Saint John	200
King's	1100
Queen's	20
Sunbury	458
York	220
Westmoreland	355
Gloucester	0 $\frac{1}{2}$
Total acres reserved	2813 $\frac{1}{2}$

145½ acres
73½ "
7578 "
112 "
206½ acres

Brunswick :—

Acres.

47
0½
320½
2647
236
500
6379½
300
1000

11430

Brunswick :—

460
200
1100
20
458
220
355
0½
2813½

No. 12.

From August 31st, 1837, to September 5th, 1838, nine hundred and three applications for the purchase of 76,645 acres of Crown lands have been submitted to the Lieutenant Governor and Council, and of which

150	219	534	181	215	71
Petitions have been refused the land applied for, not being vacant, and for various other reasons.	Petitions for the purchase of 25,846 acres have been refused for want of survey.	Petitions for the purchase of 50,799 acres going number have been complied with at various prices, chiefly at 2s 6d per acre down, or 3s by four annual instalments, and a few as high as 5s and 10s per acre at auction.	Petitions of the fore-mentioned have been complied with are forfeited for non payment of the moneys required purchase money.	Petitions for the purchase of 21,421½ received from August 31st, 1837, to 5th September, 1838,—from sales under the new system has been £2,297 15 11.	The whole amount received from August 31st, 1837, to 5th September, 1838,—from sales under the new system has been £2,297 15 11.

No. 13.

Statement shewing the total amounts received, due, and coming due, on the sale of Lands and Timber, the extent of the Land surveyed, the amount paid for surveys of Land and Timber inspections, the extent of Land remaining surveyed and ready for settlement, &c. &c., from the 1st of January, 1830, to the 31st of December, 1837, viz:—

Acres.	Extent of land sold, and Amount due and coming due. amount received thereon.	Timber and lumber.		Amount due.	Extent of land surveyed.	Expense incurred for surveys and timber inspection settlement, &c.	Extent remaining surveyed for settlement, &c.
		Total amount received.	ber.				
1339000—£134290 0 0	£107765 12 7	£95273 0 0	0 0	£8736 4 10	Acres. 3666000	£32338 0 0	388680

Amount received on Land sold, £134290 0 0
 .. Timber, 95273 0 0
 £229563 0 0

Amount coming due on Land, £107765 12 7
 .. Timber, 8736 4 10
 116501 17 5
 £346064 17 5

Note.—Of the 3666000 acres of land surveyed during the period, 1399000 acres have been sold; 1538320 acres are in five years timber licenses, and 400000 acres under annual licenses, leaving 386680 acres of surveyed land open for settlement.

Of the £32338 expended for surveys and inspections; the fees of 3d per ton on timber and 6d per M feet logs to meet the expense of timber surveys and inspections, and received in the Crown Land Office during three years of the period, and the same fees credited to the casual revenue during the residue of the period amounted to £15526, and the mileage on five years licenses to assist in paying the survey, amounted to £1680, leaving £15132 as the expense incurred for the survey of land amounting to the charge of 1d per acre.

Department for Crown Lands and Forests, }
Frederickton, 23rd February, 1838.

N. BRUNS.

t

No. 14.

List of Grants passed under the Great Seal of the Province of Nova Scotia.

Grantees.	No. of Acres.	Situation.	When Granted.
Daniel Fukes and 57 others, ..	13750	Sunbury.	14th July, 1784
Abraham Van Bushkirk and 79 others, ..	14250	do	22nd Sept. do
John Boggs and 7 others, ...	9 Lots.	Parr Town.	29th June, do
Robert Brown and 121 others, ..	24150	Sunbury.	15th Octr. do
James Gayner and 26 others, ..	4509	do	14th July, do
Samuel Hallett and 2 others, ..	1900	do	29th Sept. do
Gabriel D. Veber and 19 others, ..	4600	do	6th July, 1765
Thomas Fauconer and 66 others, ..	125000	do	31st Oct. do
Ditto and 61 others, ..	100140	do	18th do do
Beamsly P. Glazier, ..	5000	do	15th do do
William and John Jeffray, ..	2000	do	25th March, do
John Anderson, Esqr. ..	1000	do	9th Oct. 1767
Peter Clinch, ..	700	do	20th Feby. 1784
Henry Day and 31 others, ..	5600	do	6th July, do
Matthew Hains and 111 others, ..	1120	do	11th Augt. do
Thomas Leonard and 90 others, ..	Town Lots.	do	9th do do
Captain Walton Campbell and 15 others, ..	2950	do	15th Oct. do
Lieut. James Eccles and 19 others, ..	80	do	do do do
Basil Rorison, ..	550	do	16th Sept. do
Charles Matthewson and 5 others, ..	A Lot.	Parr Town.	9th Augt. do

[illegible]



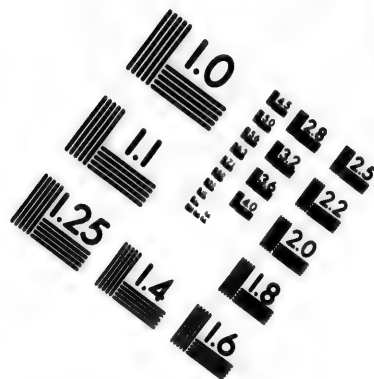
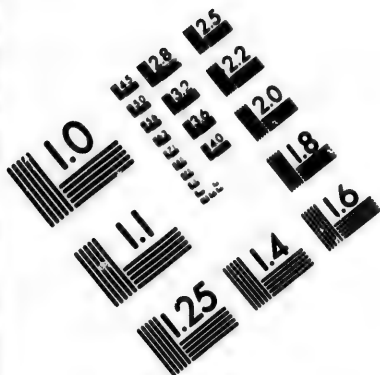
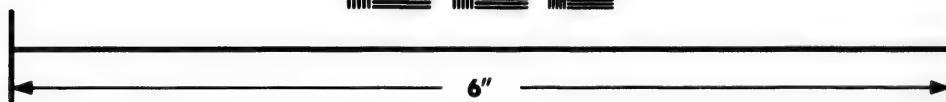
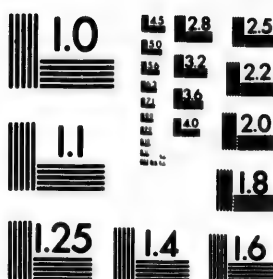


IMAGE EVALUATION TEST TARGET (MT-3)



Photographic
Sciences
Corporation

23 WEST MAIN STREET
WEBSTER, N.Y. 14580
(716) 872-4503

Grantees.	Number of Acres.	Situation.	When Granted.
Martin Gay and 11 others	9000	Cumberland	6th September, 1783
Joseph Garnett and 3 others	2400	Sunbury	15th October, 1784
David Melville	A Lot	Par Town	10th June, do
Joshua Watson and 6 others	7000	Sunbury	1st October, do
Mary Sayre and 8 others	500	do	15th do do
James Symonds	2000	do	1st May, 1770
James Symonds and 2 others	2000	do	2nd October, 1765
Reverend John Eagleson	500	Cumberland	6th June, 1771
Moses Pickard and 5 others	2000	do	4th October, 1783
Lieutenant Colonel Allen and 143 others	38450	Sunbury	14th July, 1784
Guilfred Studholm and 6 others	9500	do	15th August, 1782
Bryan Finucane	500	do	6th July, 1784
Colonel Isaac Allen and 93 others	14050	do	do
Guilfred Studholm and 4 others	5000	do	10th June, 1784
James Twaddale	50	do	6th July, do
Richard M'Kinnon	500	do	15th October, do
William Ferguson	400	do	8th December, 1763
John Lipps and 44 others	6800	do	14th July, 1784
Arthur Gould	2000	do	22nd September, do
Wm. Spry	920	do	17th July, 1773
James S. Heaton	2000	do	2nd April, 1774
Wm. Spry	3000	do	do do
Wm. Spry	3000	do	7th May, 1783
Wm. Spry	5000	do	7th June, do
Wm. Shaw	2000	do	8th February, 1780
Richard Bulkeley	20000	Cumberland	13th May, 1765

7th June, do
8th February, 1780
13th May, 1765

do
do
Cumberland

5000
5000
2000
20000

..

..

..

..

..

..

..

..

..

..

..

..

..

..

..

..

..

Mariot Arbuthnot and 2 others	5400	Cumberland	4th March, 1777
William Davidson and John Cort	100000	Sunbury	31st October, 1765
Nehemiah Marks and 120 others	19850	do	16th September, 1784
John Dunbar and 106 others	106 lots—179 acres	do	do
Penelope and Sarah Winslow	400	do	24th April, do
Joseph and Paul Bedell	400	do	3rd do do
J. F. W. Debarres	2000	do	5th April, 1769
Alexander McNutt and 22 others	100000	do	31st October, 1765
John Mascarine	10000	do	21st August, 1767
Walter Sterling and 9 others	10000	do	31st October, 1765
Sir Robert Wilmot	1000	do	15th December, 1764
William Paulet	3000	do	15th March, 1774
Robert Cummins and 4 others	100000	Cumberland	31st October, 1765
M. G. Henry Bouquet and associates	100000	do	24th September, 1765
Charles Procter and 5 others	5000	do	22nd October, do
William Gammon and 429 others	415 Town Lots	St. Andrew's	31st July, 1784
Thomas Weyer and 6 others	1534	Sunbury	3rd August do
Stephen Roberts and 189 others	19000	do	do do
William Clark and 223 others	22600	do	1st October, do
Dugald Thompson	A Town Lot	do	21st September, do
Horner Jones and 95 others	15000	do	1st October, do
Samuel Hugh and 73 others	11784	do	16th September, do
Richard Walker and 12 others	2400	do	3rd do do
Charles Thomas and 51 others	8400	do	do do do
Malachi O'Lachin and 11 others	1800	do	do do do
John Matthewson	100	do	1st October, do
William Harding and 7 others	1100	do	3rd September, do
William King	350	do	16th do do
Sarah Smith and 5 others	1200	do	do do do
Richard Brown and 37 others	5400	do	3rd do do

Z. BURNS,

=

Grantees.	Number of Acres.	Situation.	When Granted.
Asher Codrington and 47 others	7600	Sunbury	3rd August, 1784
Anthony Egbert and 26 others	4400	do	22nd September, do
Mary Thomas and 30 others ..	5000	do	3rd do
John Munroe do do	4000	do	6th September, 1783
Philip John Livingston	3000	do	9th August, 1784
William Paine and 20 others	5500	do	29th March, do
John M'Leod and 152 others ..	152 Garden Lots	do	1st November, do
Richard Gibbons, Esquire		do	4th February, 1764
Richard Wright, Esquire		Cumberland	15th October, 1765
William Best and John Burbige			17th September, 1763
Elias Burbige and James Harby	1500	do	15th March, 1765
Francis Bernard and 4 others	100000	Sunbury	31st October, 1765
Sir A. S. Hammond	10000		23rd December, 1782
Arthur Goold	3000	do	23rd July, 1767
Arthur Goold	15	do	2nd May, 1781
Giles Tidmarsh, junior ..	1000	do	23rd July, 1767
Patrick and Daniel M'Master	2000	do	13th May, 1784
George Burns	2000	do	30th September, 1782
Lieut. Thomas Fitzsimmons and Colin M'Nab	1000	do	29th March, 1784
	2000	do	31st October, 1765
Isaac and James Caten, ..	35250	Cumberland.	12th do
Joshua Sprague and 68 others,	2000		1st July, 1766
Robert Scott,	25500	do	25th January, 1773
Samuel Belew and 59 others, ..	12250	do	22nd July, 1774
Thomas Bernes and 30 others,	2000	do	29th October, 1772
Edward Barron, ..	34500	do	22nd November, 1763
Joseph Morse and 65 others,			

Robert Scott,	..	..	..	..	..	2000	do	1st July, 1766
Samuel Belew and 59 others, ..	..	..	..	..	..	25500	do	25th January, 1773
Thomas Barnes and 30 others,	..	..	..	..	..	12250	do	22nd July, 1774
Edward Barron, ..	..	..	..	..	..	2000	do	29th October, 1772
Joseph Morse and 65 others,	..	..	..	..	..	34500	do	22nd November, 1763

Jonathan Farn and 20 others, ..	..	..	..	..	..	7750	do	22nd July, 1774
Thomas Gage, Esq. and 19 others, ..	..	..	..	..	..	20000	Sunbury.	20th October, 1765
Charles Morris, Junr.	..	..	..	..	..	10000	do	5th August, 1767
William Owen and 3 others,	..	..	..	..	..	4000	do	30th September, 1767
François Geonnest and 33 others,	..	..	..	..	..	14150	Bay of Chaleurs.	29th March, 1784
Winckworth Tonge, Esq.	..	..	..	..	..	80	Cumberland.	28th May, 1768
Do do	..	..	..	..	..	75	do	22nd November, 1766
Benoni Danks,	..	..	..	..	..	10000	Quaco head.	27th September, 1773
John Huston, ..	..	..	..	..	..	32	Cumberland.	11th July, 1774
Winckworth Tonge and others,	..	..	..	..	..	275	do	28th May, 1760
Arthur Gould, Esq.	..	..	..	..	..	2000	Bay of Chaleurs.	22nd September, 1784
Colin Campbell,	..	..	..	..	..	2000	Sunbury.	3rd August, 1784
William Tyng, Esq.	..	..	..	..	..	300	do	11th do
Edmond Phelon,	..	..	..	..	..	1000	do	24th April, do
Lieut. David Coutts,	..	..	..	..	..	2000	Bay of Chaleurs.	21st March, 1776
John Curry and 42 others,	..	..	..	..	..	15250	Passamaquoddy.	29th March, 1784

K.

NEW BRUNSWICK.

Abstract of Monies received by the Receiver General, on Account of the Casual Revenue, from his accession to office, to 30th September, 1838.

Date.	Land.	Timber.	Mines, Minerals.	Other Sources.	Extraordinary Receipts.	Total.
£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1837						
August	464 15 9	87 3 9	0 0 0	0 0 0	131 16 6	683 16 0
September	135 6 0	136 0 7½	0 0 0	89 12 6	742 9 7	1103 8 8½
October	203 0 4½	533 14 0	5 1 0	0 0 0	0 0 0	741 15 4½
November	136 1 3	712 19 9	0 0 0	0 0 0	0 0 0	849 1 0
December	178 6 10½	1717 10 9	0 5 0	147 16 8	0 0 0	2043 19 3½
1838						
January	247 3 7½	1113 13 6	0 0 0	20 16 0	0 0 0	1381 13 1½
February	678 8 6½	1133 10 0	0 0 0	0 0 0	0 0 0	1811 18 6½
March	589 6 7½	2973 12 8	0 0 0	11 10 0	0 0 0	3574 8 10½
April	525 17 0	777 5 0	5 0 0	1 7 6	1481 10 11	2791 0 5½
May	292 18 9	502 1 0	5 0 0	0 0 0	0 0 0	799 19 9
June	225 13 7	547 14 6	0 0 0	210 8 4	0 0 0	983 16 5
July	528 0 6	1226 12 0	0 0 0	2 7 0	0 0 0	1756 19 6
August	316 0 0	1121 17 6	0 0 0	1 0 0	0 0 0	1438 17 6
September	183 12 0	449 5 0	0 0 0	45 8 4	0 0 0	678 5 4
1836	4704 10 10½	13032 19 7½	15 6 0	503 6 4	2355 17 0	20638 19 10
March 31st	....	....	....	....	....	569 3 10
June 30th	....	....	....	....	....	23772 14 1
September 30th	....	....	....	....	....	16907 10 3
December 31st	....	....	....	....	....	4340 17 0
1857						
March 31st	....	....	....	....	....	14805 3 10
June 30th	....	....	....	....	....	11605 0 0
						£ 97763 15 0

1887
March 31st
June 30th

14805	3	10
....	11605	0 0
		£ 97763 15 0

PRINCE EDWARD ISLAND.

John Wendior Le Lacheur, Esquire.

How long have you resided in the Island of Prince Edward Island?
Ever since May, 1806.

Can you describe the system originally pursued in granting land in that Island?

The whole Island was divided into sixty-seven townships, containing about 20,000 acres each, the whole of which were granted in one day to different individuals, in lots of from a whole to a quarter township, subject to the payment of a quit rent of from 2s to 6s Sterling per 100 acres, and to the obligation of settling the land granted within ten years from the date of the grant with foreign Protestant settlers, in proportion of one person to every two hundred acres.

Are you aware if their conditions were fulfilled to any and to what extent?

They were not fulfilled in a single instance, nor does any attempt appear to have been made to fulfil them, as not one foreign Protestant was introduced by any of the guarantees.

Do you know what quantity of the land thus granted now remains in the hands of the original grantees, or their descendants?

I am not aware; but I believe that there are not more than three of the present proprietors who have not acquired their land by purchase. The sums for which the land was disposed of by the original grantees was in most cases exceedingly small, not more in many cases than from £10 to £40 per township of 20,000 acres. Some of the largest proprietors purchased at this rate.

Have any steps been taken at any time to enforce the performance of the conditions upon which these grants were originally made?

In the year 1799, or thereabouts, the House of Assembly represented the evils which had been felt in consequence of the neglect of the proprietors to settle their grants, according to the conditions imposed upon them, and prayed that a Court of Escheats might be established. This request appears by a message from General Fauning, the then Governor of this Island, to the House of Assembly, to have been favourably received by the Government at home, and in the year 1803, a bill for establishing a Court of Escheats passed the House of Assembly and the Legislative Council, and received the assent of the Governor. It was however disallowed by the Home Government, in consequence of representations from the proprietors, who being an united and influential

PRINCE ED. ISLAND.

A

body, residing for the most part in England, were able to obtain a reversal of the consent which had been previously given by the Home Government. At the same time the proceedings for the recovery of the quit rents, which had been commenced by the public law officers of the place, and several of which had been prosecuted to judgment, were laid by in consequence of this. The House of Assembly in 1805 passed certain resolutions expressive of their feelings on the subject, and at the end of 1806 introduced a new bill for the same purpose. In 1818, during the administration of Governor Smith, a Court of Escheat was appointed, and two townships, No. 15 and 55, were forfeited. Immediately subsequent to this, however, the proprietors at home had sufficient influence with the Imperial Government to induce the Ministers to issue a proclamation in the name of the Prince Regent, relinquishing all claims to forfeiture on account of any past violation of the conditions, and giving ten years further for the settlement of the land, at the same time allowing the introduction of British subjects in the place of foreigners. I wish to state here, before proceeding to relate the subsequent steps in reference to these grants, that the proprietors succeeded by false representations, as to the conduct and intentions of Governor Smith, in inducing a majority of the population to petition for his removal, although the course he had pursued was, as appears to me, in all respects calculated to promote the true interests of the colony.

Did the proprietors comply with the new conditions thus imposed upon them?

I believe in not an instance. In the year 1827, when the ten years from 1816, granted by the proclamation expired, there was not, to my knowledge, a single township on the Island which contained the requisite number of settlers.

Have any steps been taken subsequently to enforce the fulfilment of these conditions, or to forfeit the land for the non fulfilment?

Every House of Assembly since that period has I believe made representations on the subject, though hitherto without effect. In 1832, an Act "for encouraging the settlement and improvement of lands in this Island, and to regulate the proceedings of the Court of Escheats therein," was passed by the Legislative Council, and received the assent of the House of Assembly and the Governor. It was however reserved by the former for the approval of the Home Government, and on its arrival in England, the representations of the proprietors were again sufficiently powerful to overbear the united voice of the whole Legislature of the Province, and the Act was accordingly disallowed.

Do you know upon what grounds this disallowance was justified?

It appears by a dispatch from Lord Goderich, dated the 1st August, 1832, that the reasons assigned for refusing the consent of His Majesty to the Bill, are expressed in the following words, "that some proprietors have sent out more than the number of persons which would have settled their property in the prescribed proportions, but that the persons have subsequently changed their residence to other lands. These proprietors would forfeit their grants under the mode of proceeding contemplated by the Assembly. Other proprietors on the contrary, without making any effort for the fulfilment of the conditions unpaid on them, find their lands settled in the prescribed proportion by the spontaneous assent of independent emigrants. These proprietors escape under the proceedings contemplated by the Assembly."

Have you any means of knowing to what extent this statement is true, so far as relates to the bringing out of settlers at the expense of any of the grantees?

I do not imagine that any proprietor has brought out at his own expense, a sufficient number of settlers to settle his lands in the proportions prescribed by the original grant, nor in fact that there are any of the persons so alledged to have been brought out, who did not repay the cost of their passage in money, or money's worth. I ground this opinion upon the uncontradicted statements to this effect, which have appeared in the public papers of the Island, and upon conversations which I have had with the majority of the persons alluded to. With regard to the statement that persons so brought out, have left the land of the proprietor who conducted their emigration, I believe that in the case which I presume to have been particularly referred to by Lord Goderich, the emigrants only left the land upon which they were originally settled, when compelled to do so by the extreme of want, and when they found that none of the representations on the faith of which they had been induced to emigrate would be fulfilled.

Were there any natural disadvantages of soil or position in the lands upon which these settlers were placed, which might have had an influence in inducing them to leave it?

I have passed through the district in question, and believe that it is equal in natural advantages to other parts of the Island. There is however a very great want of roads and bridges, and the settlers were therefore placed in disadvantageous circumstances, so far as their means of communication with the more settled districts.

Might not this have been one cause why the individuals in question should have left the lands upon which they were placed?

It is possible that it might be so, because upon the lands of another proprietor which are not superior in natural advantages, but more favourably placed as regards markets and roads, the majority of the settlers have remained.

Of the settlers who, as you state left the lands upon which they were located, did the majority settle upon the lands of other proprietors in the Island, or what became of them?

The majority remained in the Island upon the lands of other proprietors, but many were discouraged upon the tenure, upon which alone they could obtain land, and being possessed of sufficient means for the purpose, emigrated to some other of the North American Colonies or to the United States.

But you suppose that almost in any instance the emigrants to Prince Edward Island, whether coming out under the auspices of a proprietor or not, defrayed the expense of their passage out of their own funds, or repaid it to the proprietor?

I have no doubt that such has been the fact.

So that in your opinion the argument of Lord Goderich founded upon the assumed expense incurred by individual proprietors for the purpose of settling their property, according to the terms of the grant is entirely devoid of foundation in fact?

I believe so.

Will you proceed with your account of the steps which have been taken with regard to those grants?

The same dispatch of Lord Goderich contained the suggestions of a tax upon lands, as being useful, "by compelling the proprietors of uncultivated lands, either to improve them, or to sell them at the price which they could bring in their present condition." Mr. Secretary Stanley also recommended a tax "in the nature of a penal assignment upon non-cultivation," as being both "just and politic," and Lord Glenelg recommended the same course, and enclosed a copy of the Act of the Upper Canada Legislature for the same purpose, as a guide to the Legislative Assembly of our Province, in framing their Act. The Assembly however continued to view this as an inadequate and unsatisfactory remedy for the evils complained of, and in 1835, they again passed an address, praying for the establishment of a Court of Escheats, which address, however, Sir William Aulas Young, the then Governor, neglected to forward to England. This neglect was only discovered after his death, when, upon the House of Assembly enquiring whether there was any and what reply, they were informed that the address still remained in the Government House. It was however forwarded by Mr. President Wright, together with another address, also praying for the establishment of a Court of Escheats, which it was decided by a majority of one in the House of Assembly should be substituted for it. Both addresses were however forwarded, but Lord Glenelg, in his reply, positively refused to sanction the establishment of any Court of Escheats. The Assembly upon the receipt of this, seeing the hopelessness, for the present, of attempting to obtain the only measure, which, as they conceived was adequate to remedy the evils complained of, passed an Act imposing a tax of four shillings per 100 acres, or less than one half penny an acre upon all wild lands. This Act was reserved by the Governor, for the decision of the Home Government, and though it had been recommended by three Secretaries for the Colonies, and by Lord Glenelg himself, the Royal Assent has as yet been withheld, upon the representations of the absentee proprietors.

You have stated that the grants were made subject to a quit rent of 2s. to 6s. 3d. per 100 acres, have these quit rents been regularly paid?

Not in any instance at that rate.

What do you mean by this answer?

In the year 1816, the quit rents were generally very greatly in arrears, and the proprietors succeeded in inducing the Home Government to abandon all claim for arrears, and to make the quit rents uniform at 2s. per 100 acres.

Have they been paid regularly since that time?

I believe that they have been.

What is the extent of Prince Edward Island?

It comprises rather more than 1,300,000 acres of land.

Of this amount how much is under cultivation?

I find by the census of 1833, that there were 89757 acres of improved land, and it is probable that at the present time there may be 100,000 acres, under cultivation.

That is less than a thirteenth of the granted land?

Yes. And this though twenty years have elapsed since the date of the grants.

What is the present population of the Island?

About 40,000 souls.

Is this population equally distributed over the townships?

No, the number of families varies from about ten to upwards of 200 in the different townships. There are only two townships with the larger number—the majority run from 20 to 100.

To what do you attribute the slow progress of settlement and cultivation in this Island?

To the exorbitant terms demanded by the proprietors of land, which have deterred individuals from taking land, and have driven away many also who had come to the Island for the purpose of settlement.

His Excellency Sir Charles Fitzroy, Governor of Prince Edward Island.

Your Excellency has read the evidence given by Mr. Le Lacheur, as to the mode pursued in granting waste land in the Island of Prince Edward, is it substantially correct?

I believe so.

Your Excellency addressed a letter soon after your assumption of the Government of Prince Edward Island to the absentee proprietors of land, would you have any objection to favour us with a copy?

Not in the least.—(See Appendix No. 1.)

Have the opinions which you expressed in that letter been confirmed by your own residence in the Island?

They have.

As a remedy for the evils arising from the condition of property in the Island, a general tax upon wild land, in the nature of a fine, for the abatement of a nuisance has been suggested, what is your Excellency's opinion upon the probable operation of such a tax?

If it was in the nature of a penal tax, it would have the effect of inducing the proprietors to settle their lands, or dispose of them upon moderate terms.

You mean by a penal tax, a tax which would really press upon the absentee proprietors, which is not the case with the present tax?

It has not hitherto been the case.

Do you conceive, therefore, that such a tax should be higher than any hitherto imposed?

I think that the tax of 10s per hundred acres, which was imposed before I came to the colony, is not sufficient; the object of the wilderness tax, implied by an Act yet waiting the Royal assent, is to raise funds for the erection of certain public buildings, which are much wanted. If the tax was employed in such works as have a tendency to give an additional value to lands, the proprietors would be naturally enabled to bear a higher tax.

Has any other method occurred to you of remedying the particular evils in the place now in question?

The only other remedy that has occurred to me, is an endeavour to persuade the proprietors to concede their lands upon the terms now demanded by the more liberal proprietors; the same that I recommended in the circular letter of which you have a copy.

Prince Edward

Robert Hodgson, Esq. Attorney General for Prince Edward's Island.

August, 17th, 1838.

Mr. Le Lacheur,
Island of Prince

assumption of the
propriety of land,

been confirmed by

of property in the
a fine, for the
your Excellency's

the effect of induc-
on upon moderate
press upon the
ent tax?

higher than any

ch was imposed
of the wilder-
sent, is to raise
are much wanted.
r to give an addi-
enabled to bear

ing the particular

an endeavour to
e terms now de-
recommended in

How long have you resided in Prince Edward Island ?
I am a native of the Island, and have resided there constantly since 1819.

Has your attention been particularly directed to the state of landed property in Prince Edward Island, and the effect of the system under which the Crown lands have been disposed of to individuals ?

It has.

You have read that part of the evidence of Mr. Le Lacheur, given before this Commission, which relates to the history of the disposal of Crown lands, does that history appear to you to be correct ?

Mainly so, any inaccuracies that it may contain are not of substantial importance.

Will you be so good as to state to the Commission your views upon this subject ?

I consider that the course adopted in the disposal of Crown lands has proved exceedingly injurious to the welfare of the Colony generally. It has retarded its improvement. The effects of the system are illustrated by two returns, which I beg leave to put in, and from which it appears, that in 1833, more than sixty years after the original grants of the whole of the Island, which consists of 1,333,100 acres, only 432,225 acres were occupied. I mean by occupation, in actual possession of some settler, but not that the whole of the land was cultivated. The quantity occupied, therefore, was only about one third of the whole. About 90,000 acres, or about a fourteenth of the whole were under cultivation. No very material alteration has taken place since that time, although the system of husbandry upon the land then cultivated has been improved. I attribute this want of advancement in the colonization of the Island, chiefly to the disinclination evinced by a number of the proprietors to grant long leases to tenants, which is a technical term in the Island, meaning leases of 999 years. Several of the proprietors retain their tenants, as tenants at will, and others refuse to grant leases of wilderness lands for a longer period than forty years. There can be no question but that the settlement of the Island has been retarded of late years by the agitation of the escheat question, whereby all titles to property are rendered to a certain degree insecure, by the uncertainty which hangs over the subject, and by which the investment of capital is greatly discouraged.

But for the uncertainty of title, would there be a considerable demand for new lands ?

I think there would.

Is the difficulty of obtaining land upon remunerating terms much complained of by the settlers ?

It is, especially by those who are tenants at will, and by those who can only obtain leases of wild land for forty years.

Does the existence of so much wilderness land, the property of individuals, operate injuriously upon the property of the Island, independently of the difficulty complained of as to obtaining a satisfactory property in new land ?

It does—those roads that have been made throughout the colony have been so made at the expense of the Province, without any contribution

from the proprietors of the wild lands, through whose property these roads pass, and which materially tended to increase the value of their property. I should qualify this by saying, that within the last five years, the Legislature have passed an Act, compelling the proprietors to contribute to new roads made through their wilderness lands.

Are the proprietors generally resident in the Island, or absentees?

Generally absentees, residing for the most part in Great Britain, who have at all times derived very little advantage from the possession of this property, and still less of late years, in consequence of the agitation of the Escheat question, which has induced the tenants of some proprietors to withhold the payment of rent.

I presume that the absentees generally take very little interest in the state of their property?

They have taken very little hitherto. But I should state, that in a pamphlet recently published by Mr. Young, of Halifax, the Agent of several of the proprietors, in conducting their opposition to the proposed Court of Escheat, and Land Assessment Bill, they have promised to grant leases for sixty years, with a clause allowing the tenant to purchase at twenty years purchase, and if he should not avail himself of the right given by this clause, that then, at the expiration of the lease, the improvements he may have made should be taken at a valuation.

They have not then taken any steps to settle their properties according to the terms of this grant?

With two or three exceptions they have not. The resident population at the present time consists of persons who have found their way there from the adjoining colonies, or who have been induced to emigrate by speculators who have taken up ships to the Island, with a view of making a profit by their passage money.

To what extent do you imagine that a tax upon all wild lands would operate as a remedy for the evils to which you have adverted. A tax, that is, which should be in the nature of a fine for the abatement of a nuisance, and which at the same time should be employed in the general improvement of the Island?

I am of opinion that a tax of that nature would be the best thing that could be devised to induce the proprietors to settle or dispose of their lands, and an Act imposing such a tax was passed in 1837 by the Legislature of the province, and is now waiting the assent of Her Majesty. The Act imposes a tax of 2s. currency per 100 acres, upon leased or occupied land, and of 4s. per 100 acres upon wilderness or unoccupied lands, and defines what description of land shall be considered as coming within the minimum tax, and what shall be subject to the greater. It authorizes a process of judgment against lands in arrear, and their sale to pay the amount of the tax, and the expenses. An Act has been in force for the five last years, imposing a tax of 2s. per 100 acres upon all the lands in the colony. That Act was however a boon to the proprietors, as it released them from the payment of the quit rent to the Crown, which was 2s. sterling, or nearly 3s. currency per 100 acres. I beg leave to hand in a return of the number of acres in respect of which the tax was in arrear, and the quantity of land sold to defray the arrearages, with the prices at which they were sold.

Is the tax of 4s. per 100 acres to be imposed by the Act of the Provincial Legislature of 1837, in your opinion sufficient for the purpose it is designed to accomplish?

It is certainly not too high, and if any thing it is too low. It might be insufficient to induce the proprietors to do any thing effectual to settle their land.

Was it designed that the produce of this tax of 4s. should be applied to the improvement of the country?

It was to be paid into the general revenue, and was to be at the disposal of the Legislature.

But if the produce of a tax upon wilderness land were specifically applied to the improvement of the country, by making roads, bridges and such other works as have a tendency to increase the value of land, a much higher tax might be imposed without any injustice to the proprietors?

Undoubtedly so.

While at the same time it would operate to induce them to take some effectual means to settle their land in proportion to its amount?

Yes.

Have any other methods occurred to you by which you imagine the mischief arising from the profuse method of granting Crown lands in this Island might be remedied?

A purchase by the Government from the proprietors of the whole of their lands, supposing that such a purchase could be effected upon reasonable terms. Supposing such an arrangement could be made, the sums advanced by Government would be speedily refunded with interest, by the adoption of a system of sale.

See Appendix No. 1—Statement of Number of Acres occupied and unoccupied.

Appendix No. 2—Census of Population, &c.

Appendix No. 3—Return of Townships, &c.

Thomas Haviland, Esq. Treasurer of the Province.

How long have you resided in Prince Edward Island ?

Twenty-one years and upwards.

During your residence in the Island have you given attention to the advancement of emigration ?

I have.

Has it been on a successful and large scale ?

No.

What are the causes, in your opinion, of its want of success ?

The tenure on which the settler has been able to obtain lands. In cases where tenures have been liberal, and the emigrant industrious, they have never failed to prove advantageous to the emigrant and to the proprietors.

What do you consider liberal term ?

The emigrant should have his location for the first three years free of all rent. The fourth year at three pence per annum per acre. The fifth year six pence ; sixth year, nine pence, and the seventh and remainder of nine hundred and ninety-nine years, at one shilling per acre, with the privilege of purchasing at any time at twenty years purchase. These are what I would call liberal terms, and are attended with equal advantage to proprietors and tenants.

Have those terms been acted upon in any cases, and if so in what cases to your knowledge ?

Sir James Montgomery and Brothers, proprietors of several townships, are the only persons who act up to this system, and to its full extent, that I am aware of, and I beg to bear evidence in favor of the system. In township No. 34, not more than 500 acres of 20,000 are unoccupied, and in others owned by the same proprietors, and granted on the same terms, settlements are rapidly encreasing—there are other proprietors who give long leases, but not all the advantages granted by Sir James Montgomery ; these properties also evince considerable improvements, viz : Lord Selkirk, Lord Westmoreland, the Heirs of John Cambridge, Esq. and the Rev. J. Macdonald.

What success has attended the settlement of property, where leases have been granted at will, or for a short term of years ?

The settlement on such properties are very few, and the settlers themselves in general are extremely poor and discontented, from having little or no prospective interest in the soil they redeem and cultivate. They have no energy to clear more lands than for their present and immediate support. They can be distinguished by the stranger—by their wretchedness and want of comfort and improvement.

Does a large proportion of the Island still remain unsettled ?

Yes, probably three-fourths to four-fifths is unsettled.

In your opinion what would be the best means to resort to, to promote emigration, and to forward the country that remains in a wilderness state ?

In terms already mentioned, and in cases when the emigrant is poor, instruction should be given to the resident agent to supply them the means for subsisting for the first year. On those terms there might be from 2000 to 3000 persons annually located.

Does there appear to you to be sufficient exertion on the part of proprietors to promote the interest of the Island, to forward emigration ; or do the proprietors hold land only with reference to a future benefit ?

There is very little individual exertion on the part of any proprietors to encourage emigration, while in others they appear to hold their property with the sole view of future benefit, by its advancing in value by the labour and exertions of others.

Does it appear to you there might be a remedy for the above, and if so what would you recommend?

I know of but one remedy in the present state of things, which would be a tax by way of a penal tax upon wilderness lands, and thus compel the proprietor to locate them himself, or to dispose of them to others, who would do so.

In case the above remedy was resorted to, what amount of tax per 100 acres, would, in your opinion be best to be established?

Four shillings per 100 acres on all wilderness lands, and half the amount on cultivated lands, a higher tax has been suggested by some of the resident colonists, but in my opinion the above rate would meet the object.

If such tax were expended only for the local improvements in the Island, and to promote emigration, is it in your opinion, more than would be just to proprietors?

Certainly not, at present they are liable to more than half that sum by the tenure of their grants, and which is solely at the disposal of the Crown for any purpose they may choose.

What would be the probable amount of this tax above proposed?

About £2200.

Would you propose any tax on town and pasture lots?

Yes, at the rate of 12s. per acre on town lots, not cultivated, and 6s. on those inhabited or in cultivation, and four pence per acre on pasture lots in a wilderness state, and two pence per acre on pasture lots in cultivation.

What additional revenue would be produced by the tax on the last mentioned properties?

About £400, deducting the expenses of collection, the net produce of the whole would be about £2400.

Am I right in supposing you have charge of some estate in the Island?

Yes, I am agent for two properties, of Sir J. F. Seymour.

Have you observed sufficiently on the character and qualities of the different kind of settlers who have come to the country, to be able to state who are, in your opinion the best class of men as emigrants?

Decidedly the best emigrants are from the Lowlands of Scotland, and from Yorkshire, they combine a better degree of industry, and a more improved system of farming than any other class of emigrants. Latterly there has been a considerable emigration from Suffolk, who are also an industrious class of people, the latter were mostly paupers, sent out by subscription, and have made themselves comparatively independent in the course of five or six years.

Upon what properties have these settlers been located?

Mostly on the property of Lord Westmoreland and Sir James Montgomery and Brothers, and on others where liberal terms were given.

Do you know the price at which wild lands sell at present, say in lots from 100 to 500 acres?

From 10s. to 20s. per acre, according to the position and quality.

Is 10s. the minimum price of any plot of land sold as above?

Yes, 10s. is the minimum price of land capable of cultivation, but there is land that has no value.

Is there much in the Island of little or no value ?

No great quantity, altogether 10 to 20,000 acres.

Is this land in large blocks ?

Mostly in large blocks of 3,000 to 5,000 acres.

Would you propose on such lands to remit the tax, or what part of it ?

In some cases the whole, or as the lands might have some value.

Has any sum been received by you as Treasurer of the Province, on account of Crown lands, or Crown property ?

Yes, I have received about £800 currency—there will be a further sum of probably £400 to £500 more this year.

How has this money been disposed of ?

About £100 has been paid to cover the expense of surveys, the balance is now in my hands. During the last sessions of the House of Assembly, I addressed the Secretary of State for the Colonies, for leave to appropriate the balance towards the erection of a House of Industry. The application was forwarded by the Colonial Office to the Treasury, and the Treasury were pleased to accede to the application, and asked to be furnished with plans and estimates, which, as desired, will be laid before the House of Assembly next Session.

What is expected to be the amount for the above purpose ?

From £1500 to £2000 currency, the House of Assembly will pay up the balance.

John Lawson, Esq. Solicitor General.

Have you been residing long in Prince Edward Island
Fourteen years.

During that time has the Island advanced in general improvement,
equal to what might be expected from its capabilities?

Decidedly not.

What, in your opinion, causes the check to improvement?

First, the want of population, and in a country where the revenue is
solely raised by imposts on articles imported into the country, it
is consequently small. To instance which the Government House and
Court House were built by taxes on land.

What has hitherto checked emigration in proportion to others of the
British American Colonies?

The high prices of land, the upset price of land in the counties being
far less than here—for instance in Nova Scotia, the upset price of land
varies from 2s. to 5s. per acre, here it is almost invariably at 20s.

In your opinion is there any defect as to the tenure on which lands
are now let in the Island?

The system of lease-holding is radically bad, in proof of which the lease-
holders are almost invariably poor, and on the contrary the freeholders
are in good circumstances, and some of them affluent. A lease-holder's
farm may be almost invariably known by the negligence of its culture.

Will you state the tenure of the leaseholders you now allude to?

Leases from 999 to 40 years.

Does the mischief mentioned by you, as caused by leasehold tenure,
apply equally to the 40 as to 999 years?

Not so much in cases of the long leases, provided they have a consi-
derate landlord or agent, but in both cases it presses equally hard for the
first five years.

What, in your opinion, would be the proper term to grant, as most
beneficial for all parties?

Five years free of rent altogether; then 3d for the next year; then 6d;
then 9d; then 1s per year for the remainder of 999 years, with, in all
cases, liberty to buy at twenty years purchase.

Has much exertion been made to settle the wild lands in the Island?

Not of late years; chiefly because Sir J. Montgomery and Lord
Selkirk took a good deal of pains. The consequences are their townships
are the most flourishing and populous in the Island.

In your opinion, do the proprietors hold their lands principally with a
view to present improvement or to future benefit?

Some of them disregard present improvement, and look to the accumu-
lated value of the land from the settlement of others.

What remedy would you suggest for the evil?

The only remedy is to tax wilderness lands, and at a rate high enough
to compel the proprietor to settle them.

What do you think ought to be the tax in such cases, provided the
tax so laid was applied to emigration and the general advancement and
improvement of the country?

At least 10s per 100 acres on wilderness lands. I would not tax
cultivated lands at all. I would give the proprietor, in the first instance,
a fair time, and if half the township was settled in a limited time the tax
should not be applied to that property.

PRINCE ED. ISLAND.

D

Are you not in charge of some properties in the Island?

Yes, about 50,000 acres.

Have you particularly observed as to one class of settlers being more successful than another?

Generally speaking, the English and the natives and the Lowland Scotch make good settlers.

Can you inform me if there is a probability of some better encouragement being afforded to settlers?

Some of the proprietors, through Mr. Young, their agent, have expressed their intention of leasing and selling land upon more favourable terms than heretofore, which, if adhered to, will go far to remedy many of the evils that have hitherto existed.

Can you state the terms proposed by Mr. Young?

To sell the land from 6s 3d Halifax currency to 20s per acre. Leases for 61 years certain, or for 8 lives, or for 99 years. At the first and second year no rent; third year, 3d per acre; fourth year, 6d; fifth year, 9d, and succeeding years 1s. per acre per year; and what I consider of most consequence is the right of purchasing upon the terms before mentioned, viz. :—5s 3d or 20s an acre, according to situation.

In your opinion would those terms hold out such prospect of success to settlers as would encourage a succession of emigration?

I think they would, provided the rent did not commence until the fifth year.

Are you aware of the number of proprietors who have proposed those terms through Mr. Young.

There are thirteen who have.

Joseph Sydney Deely, Esq. Agent to Sir J. Montgomery and Brothers.

Have you been long a resident in the Island ?

Since June, 1833, with a short absence once or twice.

What quantity of land have you charge of ?

I have charge of three townships and two small islands.

What progress has taken place as to settlement of the above lands, of late years ?

In May 1833, I took charge of the above property. The tenants were then in great arrears of rent. Many of the farms and houses were in a ruinous state. This state of things was caused from the fear of the tenants, on account of their arrears, who were fearful of being deprived of their improvements. I made an arrangement with all parties so as to place them on easy terms, and the property is now one of the most flourishing in the Island. Almost all the farmers have built new houses, particularly on lots 51 and 34.

Do these farms now pay a fair rent ?

They pay a rent of 1s. sterling per acre, with great regularity, and without any complaint. They now are all thriving tenants.

To what do you attribute this change ?

To a better understanding with the proprietors, and they having their leases for 999 years, and there is particularly a feeling of contentment, and a desire to improve in lot 34, where there is an understanding that the land may be purchased with the improvements of the tenant at 20 years purchase. In that lot there are only 200 acres remaining unsettled. There are 245 tenants on this lot having leased farms, and there are 19 purchasers settled on it.

Since you took possession of the above three lots in 1833, how many settlers have come upon them ?

Ninety-six new tenants.

What are the terms as to rent on which tenants are admitted on the above property ?

First three years free of rent—4th year 6d. per acre—5th year 9d.—6th year 1s., and the same to end of term.

Have the tenants in all cases been able to act up to the above terms ?

Generally—there are few exceptions, probably in consequence of sickness or bad seasons.

What quantity of land do you give in the first instance to settlers ?

One hundred acres is the general thing, but I recommend them to take 50 acres at first, and I reserve the other 50 for them.

In case of settlers coming to the Island, what sum of money should they have as an outlay to build houses, and to procure the necessary stock, &c. &c. ?

A man ought to have £25 or £30.

In cases where settlers have not this money, what agreement is made to enable them to get on ?

He must have a cow, and he ought to have a horse—£25 would be necessary. Men who go to work without this capital, are under great difficulties, and cannot pay rent for many years.

What taxes are lands liable to at present ?

Only 2s. currency per 100 acres, which is a tax put on in 1833, in lieu of quit rents. This tax is regularly paid.

Does this tax extend the same to cultivated and uncultivated land ?

Yes, they all pay the same.

I find by a return before me, of the number of acres occupied in the Island, in 1833, there is a variation of many thousand acres—in some cases as much as 18,000 of cultivation in one lot and another—how do you account for this?

In most cases it arises from the want of liberal terms on the part of the proprietors, and in a few cases from the nature of the soil, and sometimes also from want of proper communication.

What are the objectionable terms on the part of proprietors alluded to?

Short leases principally.

Do settlers generally object to become tenants at will?

I do not think any settler would become a tenant at will.

Is there much soil on the Island that could not be brought under cultivation?

There is a portion in each township.

Is that land altogether without value?

I should say not—small portions of it are not worth any thing, but much of it would be brought into cultivation when the country is further advanced in improvement.

How are the roads managed as to the expense of making and repairing them?

They are made and maintained by statute labour, with an occasional grant from the Legislature.

What labour is required by law?

Three days from each tenant, without reference to his extent of farm. New roads are made in the first instance by an assessment on the lands through which they pass.

Is this mode of road making approved of amongst the tenantry, and does it meet the object desired?

It is not a desirable system—not half a day's work is done, and the roads are not equally made throughout.

You are aware that there has been a proposal by the Legislature to levy a tax of 4s. on wild lands—what do you think would be the operation of that tax?

It would greatly benefit this Island. It would force the proprietors to bring the lands forward for sale or settlement, and it would evidently benefit the whole country.

If this tax was appropriated to benefit the Island in advancing improvement and emigration, is 4s. above mentioned as much as would be desirable to impose on wild lands?

I think it would be fair, and not too much. I think there ought to be a difference made in the properties, as they have a large or small portion cultivated, that seems to be the only objection.

What class of settlers have you found to succeed best?

I have found the Yorkshire, Suffolk and Lowland of Scotland settlers the best. The Highlanders and the North of Ireland settlers do not get on so well. Different countrymen ought to be put in separate parties, and settlers ought not to be put alone.

Have you any remarks to make as to the present mode of locating the tenants?

The present form of a farm is ten chains front, by one hundred back. This is most inconvenient, as giving additional labour. A farm ought to be as near a square as possible. I give if possible 20 chains front by 50 depth.

Is there a want of labour in the country at present ?

Yes. Farm servants are much required in the country. There are very few in the country. They are receiving 3s. per day and their keep, or 4s. and find themselves.

Does this rate of wages apply to all the year ?

There is a difference of about 1s. in winter, but labour is at all times scarce.

What number of farms are leased and sold on the different lots in your charge ?

There are 245 leased on lot 34, and 19 sold—19 leased on 51 and 45 sold—31 leased on 59 and 11 sold.

What is the state of the surveys on the Island ?

The surveys of townships are recently put at rest by re-survey, under the orders of the Governor and Council. The surveys of lots are done in most cases at the expense of tenants.

Are the surveys of lots found to be accurate, and such as to enable transfer and sale of property to be made with sufficient confidence ?

In many cases there are not. There is a great deal of litigation at present on account of boundary lines.

Does this uncertainty as to surveys check the advancement of settlers ?

It causes a good deal of litigation, and many have paid half a dozen of surveys—it calls much for attention.

Can you state what progress there has been in emigration of late years ?

It has been very trifling, arising, I think from the agitated state of things here, chiefly the Escheat question.

Have any emigrants of late years come to the Island with intention of settling, who have subsequently proceeded to other places to locate themselves ?

Yes, a few have.

Has there been any rise in the price of wild lands, since your residence on the Island ?

There has been some rise in wild land—near the town they have nearly doubled in value the last 15 years.

What would be the price of about 100 to 200 acres of wild land, good quality and well situated ?

Not less than 15s. sterling per acre. 500 acres were offered lately for 12s. 6d. sterling.

Are there any points that have not been referred to, and occur to you, as requiring attention, in reference to the future settlement of the Island ?

There is great difficulty and dispute as to fisheries, which is very injurious to the settlement of any farm, and the prosperity of the country.

E

PRINCE ED. ISLAND.

George Wright, Esquire, Surveyor General.

How long have you resided in Prince Edward Island?

I am a native of the Island, and have been very little absent from it.

How long have you been Surveyor General of the Province?

About ten years.

Will you state what quantity of land is now in possession of the Crown, and how the remaining portions of lands in the Island have been disposed of?

This return (Appendix C.) will show there are only 7,100 acres of township lands now in possession of the Crown. There are several parcels of ground that may revert to the Crown, at present held by licenses of occupation, perhaps 1000 acres. There are also 900 town and pasture lots, varying from a quarter of an acre to twelve acres; the extent and upset price of each is in the return. The remaining part of the Island was given on certain conditions, in lots of 20,000 acres.

What quantity of land capable of cultivation is the whole Island said to contain?

The Island contains about 1,365,000 acres, divided in three counties, (see plan, Appendix No. 2,) of which perhaps there are not more than 10,000 acres incapable of cultivation.

Has there lately been a sale of Crown lands?

Some town lots were sold in July last. No Crown township lands, except glebe lands, have been sold at any time. Prior to the last four or five years, settlers have been permitted to occupy the Crown lands under license of occupation, on condition of their obtaining grants on the fulfilment of certain terms.

What are the terms alluded to?

On town lots to build a dwelling house of certain dimensions; on pasture lots clearing and fencing ~~three~~ acres; on township lots they obtained a grant of land on forming a settlement. This system has ceased since four or five years.

Was much land occupied on the terms specified?

A great deal; particularly town and pasture lots. The township lots were almost entirely settled.

Were the terms in all cases conformed with?

Latterly they were. Formerly they obtained grants without license of occupation, and many of them have not fulfilled their conditions.

Have any steps been taken in reference to those parties?

None whatever.

Do most of the original proprietors possess the grants?

Very few, and they have many of them changed hands several times.

Were the terms on which the original grants were made, generally complied with?

I believe in no instance. It was found impossible strictly to comply with the terms which require that the lands should be occupied by foreign Protestants.

Have those lands, in your opinion, progressed in improvement and settlement as they might have been expected to do, considering the advantages held out by the fertility of the soil of this Island?

No, I do not think they have.

What do you consider has been the check to this improvement?

In many instances to the neglect of proprietors, many of whom have not been represented by agents with sufficient power to execute deeds or leases, and whose terms were not sufficiently liberal.

Has there hitherto been a tax on unsettled lands on the Island?

There has been an assessment of 2s on one hundred acres of all lands. That bill has expired this year, and in lieu of it a bill has passed the Legislature here imposing a tax of 4s on wilderness lands and 2s on other lands. The assent to this bill is reserved for sanction at home.

In your opinion, is this the best method of inducing proprietors to settle the unsettled lands, or do you think that a larger tax than 4s would be advisable for the benefit of the country, if the whole of such money were appropriated to improvements and emigration?

A higher tax would further benefit the country, but I think this tax would be fair at present.

Do some of the proprietors hold their lands with reference to future benefit without any regard to present improvement?

A few no doubt do so.

Was there not a quit rent formerly, and up to what time did the quit rent continue?

There was a quit rent of 2s 6d Sterling. Latterly it was 2s, and it was altogether discontinued on the establishment of the late Act levying 2s per hundred acres.

Was the quit rent regularly paid?

A considerable sum was paid by some of the proprietors. It was never paid by others.

How are the boundary lines of counties and surveys generally laid down?

The surveys have not been completed. A great confusion has existed for want of proper boundary lines. A bill was passed in 1834 which has partially removed the division between townships, but many of the lots remain unsettled. Proprietors now generally fix posts, and give the tenants the lot they mark off.

Are the roads generally good through the Island, and will you be kind enough to state how they are provided for?

They are sufficiently good for agricultural purposes, and are kept in repair principally by statute labour. Sometimes a vote is given towards making new roads.

Could a better mode than this be adopted?

In my opinion, a tax or assessment in money would be the preferable way—the present system does not seem to answer.

What has been the amount of sales of Crown lands, timber, &c. during the years you have disposed of them?

There is nothing to dispose of but land in the Island. On sales the receipts have been—

In 1834	..	..	£255	0	0
.. 1835 (no sale)	..	..	0	0	0
.. 1836	..	..	73	5	0
.. 1837	..	..	541	0	0
.. 1838	..	..	406	2	6
Total	..	..	£1309	7	6

How has the money been disposed of?

It is received by the Treasurer of the Province, and none of it has been disposed of as yet, except probably £150, which has been expended for surveys.

Can you furnish a map or plan of the Island, by way of a guide to the lands and lots alluded to?

I have not one at present, but will prepare and finish one at an early period.

Can you give any account of the progressive rise in value of wild land in the Island?

I am of opinion that wild lands have increased in value double the amount within the last twenty years.

Has there been any rise in the last five years?

There has been some rise, but not a very material one.

G. R. Goodman, Esq. Collector of the Customs.

Have you resided long in this Province?
Constantly since 1819.

From your knowledge of the Colony, its productions, &c. &c. has it capabilities of supplying beyond the demands of the inhabitants?

Very great capability beyond the demand of the colonists. I should say there is to the amount, on an average, of £40,000 sterling value of agricultural produce exported.

Does this apply to cattle as well as to grain?

It includes both.

Have you an account of the quantities of each article exported during the last year, 1837—also for 1835 and 1836, which shows the increase has been of 1836 above 1835?

About £6,100. It was the same in 1837 as 1836, but in 1837 there was a partial failure in the potatoe crop, which prevented the expected average of increase.

With the facilities and encouragement offered by the soil for settling and emigrating, what, in your opinion, has prevented a greater increase in improvement and population?

The Government has not the power sufficiently to influence proprietors, who hold the Island in large grants. Many of the proprietors have not till this time given their agents any power to settle the lands on terms that would induce settlers to emigrate to the country.

Are there any means that are likely in your opinion to remedy the above evil?

A tax on wilderness land, and cultivated land would oblige the proprietors to settle or dispose of them.

APPENDIX

TO

EVIDENCE FOR PRINCE EDWARD ISLAND.

No. 1.

Return of Crown Lands in Prince Edward Island.

Quantity.	Situation.	Average upset price.		Remarks.
		Currency.		
6000 acres	On township No. 15	15s per acre	} Principally of interior land and of inferior quality.	
1160 acres	do No. 55	15s per acre		
205 town lots, 84 by 120 feet	In George Town	£7 10 each		
5 water lots, 84 feet front	In George Town	£20 0 do		
150 pasture lots, containing 8 acres	In the Royalty of George Town	£10 0 do		
28 lots, containing 8 acres	Adjoining the Royalty of Geo. Town	£12 0 do		
430 town lots, 60 by 100 feet	In Prince Town	£5 0 do		
75 pasture lots, 8 acres each	In the Royalty of Prince Town	£12 0 do		
15 pasture lots, 12 acres each	In the Royalty of Charlotte Town	£25 0 do		

Surveyor-General's Office,
26th July, 1838.

No. 2.

TO THE PROPRIETORS OF LAND IN PRINCE EDWARD ISLAND.

(Circular.)

Government House, Prince Edward Island,
3rd October, 1837.

As a proprietor of land in Prince Edward Island, I consider it my duty to inform you, that upon my assumption of this Government, in June last, I found a considerable degree of excitement prevailing among the tenantry and settlers in general, on the subject of the tenure of the lands in their possession, connected with the long agitated question of Escheat—a state of things, I regret to say, very opposite to the opinion which I had been led to entertain before I left England, in reference to this question, from the representations of my predecessor, Sir John Harvey.

Her Majesty's Government having so decidedly refused the application of the House of Assembly, for the establishment of a Court of Escheat, I considered it my first duty on my arrival here, to visit the different settlements throughout the Island, and to endeavour to impress upon the minds of the people, the necessity of conforming to this decision. I have accordingly held personal communication with the settlers in almost every district; but although I have done my utmost to dissuade them from continuing to indulge in the vain hope of succeeding in their aim of a general Escheat, I regret to say, that I have not been able to accomplish that object. At the same time I have learned sufficient to satisfy me, that in many cases there exist grounds of complaint, which, though not of a nature to justify the extreme measure they seek to obtain, yet in my mind go a long way to account for, if not to palliate the line of conduct pursued by them.

With these feelings, added to the appeal already made to you in behalf of your tenantry, by Sir John Harvey, which I had every reason to expect, from the communication I had received from Mr. Robert Stewart, of Great Russell street, before I left England, would have produced a favorable result, I cannot avoid expressing my extreme disappointment at having been in this Colony nearly four months without receiving any further communication on the subject. I am induced now to address you, with the hope, that I may still persuade you to grant to your tenantry, such terms as I sincerely think they are fully and fairly entitled to, and such as I am convinced it is for your immediate and prospective interests to grant. And I beg to premise my appeal in their favor, with this incontrovertible observation—That it is utterly impossible for any person unacquainted with the local circumstances of a new Colony, to form a correct estimate of the difficulties and privations which the first settler upon wilderness lands has to encounter. It is a long series of years before he can obtain from the soil more than a bare subsistence for himself and family, notwithstanding his most unwearied

do
do
£12 0
£25 0

In the Royalty of Prince Town
In the Royalty of Charlotte Town

70 pasture lots, 8 acres each
15 pasture lots, 12 acres each

Surveyor General's Office,
26th July, 1838.

perseverance and industry ; and it is his hard wrought labour in redeeming the forest from its original state, which alone stamps a value on the land he improves. It ought not therefore to be matter of surprise, that, although he may be ready and willing to pay a fair equivalent, either in rent or otherwise, for the land he occupies, he should feel dismayed (as too frequently happens) at the prospect of being deprived of the hard earned fruits of the labour of the earliest and best years of his manhood, whether from an accumulation of heavy arrears of rent, which he was unable to realize from the land, or from the refusal of the proprietor to grant him a tenure of sufficient endurance to ensure to his family the profits of his industry ; and this, probably in the decline of his life, with a constitution broken, and health impaired by incessant toil, and over exertion ! Can it, I say, be a matter of surprise that he should be discontented with his lot ? that he should instill those feelings into the minds of his family ? and that they should be too ready to listen to the delusive hopes held out by designing men, and give a willing ear to their proposals, of any measure, however fallacious, which holds out to them a hope of relief ?

You will perhaps naturally ask, why the settler, in the first instance, consents to occupy land without the security of a long lease ? and remark that he takes it with his eyes open, and under no compulsion. I reply, that many of the settlers are extremely ignorant men, who, on first arriving in the Colony, were induced to settle on the lands without due consideration, and incapable of forming a proper estimate of the hardships and difficulties they would have to contend with ; others encouraged by false representations ; some by the promises of the proprietor or his agent to give them titles, promises which in many instances have never been fulfilled. But cases of greater hardship even than these have come to my knowledge, where the unfortunate tenant has actually paid for his farm, to a person who professed to be the legal owner of the soil, before he left his native country, and has subsequently been called upon by other persons, who claimed the property, for arrears of rent for this very land, for which he could produce a receipt for the payment of the purchase money.

I will mention two other cases. The first, that of a party of settlers from Guernsey, who purchased a tract of land from a proprietor at a high price, purporting to be situated on the verge of a river which would give them easy access to it, and the means of transporting their produce to market. Upon the faith of this statement they arrived on the Island. Will it be believed that the land they *had paid for did not exist* ? and they actually were forced to purchase other lands from another proprietor upon which to locate themselves ?

The second, that of the Acadian French located on lot 10. These people paid to the amount of upwards of £1000 towards purchase of the township. The person who received the money had no right to make the sale, and these people are now tenants at will on the same soil, for the proprietor has hitherto given no authority either to sell, or grant leases. Can it then be wondered at, that these people, smarting under a sense of the injustice done to them, should be amongst those inimical to the proprietary system altogether, and that they should inoculate others with their principles ?

I do not wish to conceal from you, that agitation to a very considerable extent *yet* exists on the subject of Escheat, in many parts of the

labour in redeem-
 ings a value on the
 of surprise, that,
 equivalent, either in
 feel dismayed (as
 rived of the hard
 e of his manhood,
 nt, which he was
 the proprietor to
 to his family the
 he of his life, with
 nt toil, and over
 he should be dia-
 feelings into the
 ly to listen to the
 illing ear to their
 holds out to them

he first instance,
 long lease? and
 no compulsion.
 nt men, who, on
 the lands without
 estimate of the
 with; others en-
 pises of the pro-
 n many instances
 even than these
 nant has actually
 e legal owner of
 bsequently been
 ty, for arrears of
 a receipt for the

party of settlers
 a proprietor at a
 f a river which
 ansporing their
 hey arrived on
 t paid for did not
 her lands from

lot 10. These
 purchase of the
 o right to make
 e same soil, for
 o sell, or grant
 smarting under
 st those inimical
 ould inoculate

very consider-
 y parts of the

Island; and you will ere this perhaps have learned from the public papers of the Colony, that the High Sheriff of King's County has recently been resisted by a considerable body of armed persons, while endeavouring to enforce an Execution on a Judgment obtained in the Supreme Court, for Rent, and his horses barbarously mutilated—and I will here observe, that this gentleman bears the reputation (and indeed has proved it within my knowledge) of being a person of determined character, and one not easily to be intimidated or hindered from doing his duty.

I have used every means in my power to convince the deluded people that such a state of things cannot be tolerated by the Government, and that, however I may sympathise with their situation, the laws must and will be put in force; but although I may have convinced some of the more moderate, or at any rate induced them to wait patiently the result of my mediation, it is nevertheless fair to tell you, that I conscientiously believe, that without your consent to the terms proposed to you by Sir John Harvey, or other terms as liberal, the agitation and discontent will continue to increase to an extent which will eventually become alarming, and render all property here insecure. And I may ask you, even now, how is it possible for you, under existing circumstances, to collect your rents by ordinary means? If your bailiff goes to distrain, it is not at all improbable that he may be resisted in the first instance by persons whom he cannot identify, and that when he returns with sufficient assistance to execute his distress, all tangible property may be carried off the premises. You cannot surely expect that, in the remote districts of this Island, the Government can be prepared at all times, and on all occasions, with an armed force to support your officers, or in other words, that the Government is to be at the expense of collecting your rents.

I am of opinion that the remedy for these evils rests with yourselves. Give discretionary power to your agents to relieve your tenantry of the arrears of rent in those cases where it is impossible they can ever pay them up. Grant them long leases at the rate customary in the colony, payable in the productions of the soil at the market price; or if you object to long leases, let those you do grant contain a clause allowing the tenant to purchase the fee simple within a specified period at twenty years purchase, or one to ensure his being paid for his improvements at a fair valuation, on the expiration of his term. Such concessions will, I am convinced, remove all just cause of complaint, and render futile any attempt at agitation.

Let me here observe, that I am recommending no visionary nor experimental system, but one that has already been tried here with complete success, on the lands of those proprietors (and I am happy to say there are many) who act upon it. On these lands there is no agitation or discontent; on the contrary, the settlements are numerous, the farms well cultivated, and the tenantry flourishing and tranquil. The whole of the excitement and agitation now prevailing, is confined to the lands of proprietors who have hitherto refused to grant liberal terms, or to their immediate vicinity, and it is to them I would particularly address myself—for it is hardly fair that they should be the cause, as they assuredly have been, of bringing odium upon the body of proprietors of land in this Island in general, which the majority of them do not deserve.

I shall deem it my duty to inclose a copy of this letter to Her Majesty's Secretary of State for the Colonies, accompanied by a return of the differ-
 PRINCE ED. ISLAND.

G

ent townships on the Island, with the names of the proprietors, the number of the population on each, the terms they are in the habit of granting to their tenantry, and the causes (if any) of discontent which exist. But in order to prove to you that I am not inattentive to your real interests, and that I have every wish, and indeed can have no other object than to do impartial justice to all parties, I have the honour to transmit herewith a copy of an address presented to me on my recent visit to the northern section of King's county, (which embodies the sentiments of the inhabitants of many other portions of the colony,) together with my answer thereto, as well as the observations which I thought it necessary to make to the very numerous assemblage who accompanied the address, and among whom were, no doubt, many of the individuals who had assisted in the resistance and assault upon the High Sheriff, to which I have before alluded.

I have the honor to be,

Your very obedient servant,

(Signed)

CHARLES AUG. FITZ ROY.

Lieutenant Governor.

rietors, the num-
habit of granting
which exist. But
r real interests,
r object than to
ransmit herewith
to the northern
ts of the inhabi-
ith my answer
ecessary to make
ne address, and
who had assisted
ch I have before

Z ROY,
nt Governor.

No. 3.

Census of the Population, and Statistical Return, taken under the authority of the Act William IV. Cap. 7.—1833.

Towns.	Males.		Females.		Number of Insane persons.	Number of Acres of Land occupied.	Number of Acres of improved land occupied.	Number of Cows owned.	Number of Oxen owned.	Number of other kind of Neat Cattle.	Number of Horses.	Number of Sheep.	Number of Hogs.	Produce during the last year.					Number of Grist Mills.	Number of Saw Mills.	Number of Schools.	Males.	Females.		
	Under 16 years.	From 16 to 60 years.	60 years and upwards.	Total.										Under 16 years.	15 years and upwards.	Total.									
Charlotte	431	524	17	972	436	557	993	1	734	419	81	12	59	132	77	93	763	40	1299	4390		6	133	99	
Charlotte	138	152	15	305	130	141	271	2	3845	1877	273	30	149	129	878	277	2980	407	7659	28740	2				
Roanoke	9	22	1	31	13	15	28	1	70	23	3	3	2	5	6	12	20			100					
George	55	41	1	97	48	40	88	1	429	303	85	6	34	31	260	91	657	205	1355	6181					
St. Ignace	4	8		12	1	3	4		22	28	9		9	5	23	4	48	20	130	270					
Prince	128	109	5	242	115	101	216	1	2508	1993	191	60	272	115	1029	296	2455	769	4528	16860					
Pine Bluff	6	10		16	13	10	23		400	65	15		11	9	52	38	127	71	188	2140					
Roanoke Island	3	4		7	4	7	11		700	60	15		8	5	68	12	124	28	266	1015					
Panama Island	3	4							400	30	10	1	10	2	41	15	75	10	190	1100					
Boston Island	10	5		15	8	5	13		500	63	3		4				69			501					
St. Peter's Island	4	5	1	10	5	4	9		205	13	3	1													
St. John's Island																									
	82977829	714	16840	79107542	1545257	387616	138693377	131826299	5051020702	1283501388501	261604	1310063	462974	1361812											

Statement of the number of acres occupied, and of the number of acres unoccupied in 1833.

Number of Township.	Number of acres occupied.	Number of acres unoccupied.	Total.
1	7220	12780	20000
2	2460	17540	20000
3	1700	18300	20000
4	2850	17150	20000
5	2657	17343	20000
6	1661	18339	20000
7	2850	17150	20000
8	2150	17850	20000
9	850	19150	20000
10	630	19370	20000
11	1895	18105	20000
12	1418	18582	20000
13	4197	15803	20000
14	6221	13779	20000
15	6800	13200	20000
16	5988	14012	20000
17	14409 $\frac{1}{2}$	5590 $\frac{1}{2}$	20000
18	9570	10430	20000
19	12677	7323	20000
20	9392	10608	20000
21	7940	12060	20000
22	3070	16930	20000
23	7011	12989	20000
24	13714	6286	20000
25	8320 $\frac{1}{2}$	11679 $\frac{1}{2}$	20000
26	10186	9814	20000
27	7158	2842	20000
28	15402	4598	20000
29	7741	12259	20000
30	2960	17040	20000
31	5503	14497	20000
32	14025	5975	20000
33	12302	7698	20000
34	18271	1729	20000
35	12013	7987	20000
36	9329	10671	20000
37	7320	12680	20000
38	6053	13947	20000
39	3083	16917	20000
40	4575	15425	20000
41	2511	17489	20000
42	2929	17071	20000
43	5666	14334	20000
44	5052	14948	20000

Total.

Н

No. 4.

Return of Township Lands levied upon for non-payment of Assessment, in the years 1833, 1834, 1835 and 1836, together with the quantity of Land Sold, and the amount realized upon each Township respectively.

Year.	Township.	No. of Acres in arrears.	No. of Acres sold.	Amount sold for. £ s. d.		
1833	No. 3	3780	300 Acres	25	15	0
	No. 8	15570	200 do	27	0	0
	No. 11	19250	200 do	49	0	0
	No. 24	230 the land in arrear not found				
	No. 25	1777	150 do	21	0	0
	No. 37	1045	Paid	0	0	0
	No. 43	11380	Paid	0	0	0
	No. 44	2948	100 Acres do	25	5	0
	No. 45	4515	100 do	31	10	0
	No. 49	9374	Paid	0	0	0
	No. 52	8923	100 Acres do	21	15	0
	No. 57	820	130 do	54	15	0
1834	No. 3	3430	150 do	23	15	0
	No. 8	8435	200 do	37	10	0
	No. 18	18230	100 do	20	15	0
	No. 17	2478	Paid	0	0	0
	No. 25	720	100 do	12	0	0
	No. 37	1573	200 do	17	10	0
	No. 44	2142	100 do	19	0	0
	No. 52	8998	200 do	25	5	0
	No. 66	7000	100 do	17	1	0
1835	No. 3	1430	200 do	20	0	0
	No. 8	2795	200 do	20	0	0
	No. 18	2725	200 do	25	0	0
	No. 33	100	100 do	14	0	0
	No. 37	2050	200 do	19	0	0
	No. 44	738	600 do	17	10	0
	No. 45	3747	200 do	24	0	0
1836	No. 3	1270	300 do	22	0	0
	No. 8	2012	Paid	0	0	0
	No. 28	2833	150 do	28	5	0
	No. 31	1816	1350 do	36	5	0
	No. 36	1070	100 do	20	0	0
	No. 37	1572	200 do	17	0	0
	No. 45	934	200 do	27	0	0
	No. 52	10835	300 do	44	10	0

No. 5.

ent of Assessment,
r with the quantity
on each Township

d.	Amount sold for.		
	£	s.	d.
	25	15	0
	27	0	0
	49	0	0
found	21	0	0
	0	0	0
	0	0	0
	25	5	0
	31	10	0
	0	0	0
	21	15	0
	54	15	0
	23	15	0
	37	10	0
	20	15	0
	0	0	0
	12	0	0
	17	10	0
	19	0	0
	25	5	0
	17	1	0
	20	0	0
	20	0	0
	25	0	0
	14	0	0
	19	0	0
	17	10	0
	24	0	0
	22	0	0
	0	0	0
	28	5	0
	36	5	0
	20	0	0
	17	0	0
	27	0	0
	44	10	0

Prince Edward Island contains an area of 1,365,400 acres, viz:

QUEEN'S COUNTY.

Charlotte Town, Common and Pasture Lots, 7300 acres.
Townships, 23 in number, 479100 "
486400 acres.

KING'S COUNTY.

George Town, Common and Pasture Lots, 4000 acres.
Townships, 21 in number, 408000 "
412000 "

PRINCE COUNTY.

Prince Town, Common and Pasture Lots, 4000 acres.
Townships, 23 in number, 468000 "
467000 "

Total contents of the Island, 1365400 "

Surveyor General's Office,
29th August, 1838.

ISLAND OF CAPE BRETON.

Queries proposed and Statements required by Major HEAD, in his letter from Fredericton, dated 26th September, 1838, with the Answers and Statements subjoined.

1st.—“ Imports and Exports of Cape Breton, in the years 1817, 1827, “ 1836 and 1837.”

These are not to be obtained prior to the year 1833, from which time they are as follows :

1833—Imports, in sterling value, £66,413, employing 681 vessels, of the united tonnage of 48,319 tons, manned by 2,423 men.

—Exports, sterling value, £75,030, in 754 vessels, of 52,135 tons, and 2,683 men.

1834—Imports, in sterling value, £61,807, in 663 vessels, of 46,705 tons, navigated by 2,236 men.

—Exports, sterling value, £86,970, in 774 vessels, of 52,666 tons, with 2,438 men.

1835—Imports, in sterling value. £70,882, employing 739 vessels, of 54,051 tons, and navigated by 2,593 men.

—Exports, sterling value, £91,285, in 735 vessels, of 62,023 tons, and 2,632 men.

1836—Imports, sterling value, £74,659, in 894 vessels, of 76,899 tons, with 3,408 men.

—Exports, sterling value, £99,201, in 930 vessels, of 79,376 tons, and 3,650 men.

1837—Imports, sterling value, £72,588, in 882 vessels, of 77,679 tons, and 3,698 men.

—Exports, sterling value, £113,006, in 992 vessels, of 77,592 tons, with 3,687 men.

Places to and from which the Exports and Imports were made in the year 1837.

	Imports.			Exports.		
Great Britain,	£1947	10	6 stg.	£4119	0	0 stg.
Channel Islands,	4935	2	2	2119	8	4
British N. America,	16060	5	10	24438	1	11
N. Scotia, coastwise,	47622	1	0	47253	0	8
British W. Indies,	433	19	0	2892	11	3

United States of America, £1424 10 6	£24705 18 0
Brazil, 0 0 0	1686 10 0
Spain, 165 0 0	5792 0 0

Description of articles forming the trade of the year 1837.

Imports—Rum,	40786 gallons.
Molasses,	32232 do
Wine,	2751 do
Brandy,	4021 do
Gin,	2520 do
Soft Sugar,	2216 cwt.
Tobacco,	45120 lbs.
Flour,	8046 barrels.
and sundry articles of Dry Goods.	
Exports—Boards,	385959 feet
Butter,	720 firkins
Coals, (49175 ch. raised)	47230 chaldrons
Dry Fish,	39254 quintals
Pickled Fish,	8590 barrels
Cattle,	588 heads
Horses,	28
And sundry other articles of agricultural produce, potatoes, oats, wheat, &c.	

Fluctuation in the export of Fish :—

1834—Exported—Dry Fish,	35209 quintals
.. .. Pickled do.	18789 barrels
1835 .. Dry Fish,	34976 quintals
.. .. Pickled do.	25861 barrels
1836 .. Dry Fish,	31754 quintals
.. .. Pickled do.	20479 barrels

Increase in the production of coals :—

1835—From Sydney,	11469 chaldrons
.. .. Langan,	7112 do
1866 .. Sydney,	14619 do
.. .. Langan,	8316 do
1837 .. Sydney,	36168 do
.. .. Langan,	13007 do

Number of vessels registered in and belonging to Cape Breton :—

Vessels.....353—Tonnage of do. 16062 tons

Sydney is the only free warehousing port in the island. Langan, or Bridgeport, is a free port for the exportation of coal in foreign vessels. Sydney is also a port of registry, having under its survey the outports of Arichat, Bridgeport, and North Sydney.

2nd—"Returns of the militia for the years 1836, 1837, 1827, and 1817?"

The only returns of the militia procurable, without applying to the Adjutant General's Office at Halifax, for which there is not time, are the following, taken from the printed journals of the House of Assembly:—

CAPE BRETON MILITIA.

Men capable of bearing arms between the ages of sixteen and sixty:—

In the year 1830	..	..	..	4,405
1833	..	..	..	6,018
1836	..	..	..	5,888

It is understood that the last return gave 7000 men, but it is estimated that not fewer than 1000, if not more, escape enrolment altogether.—Therefore the general opinion is that 8000 is not a high estimate for the total number of men, founded on which, as well as on other data, the population has been for some time past returned at 45,000.

3rd—"Market prices of provisions."

Average prices:—

Wheat	..	..	£0 10 0	per bushel,
Oats	..	..	0 1 6	"
Barley	..	..	0 4 0	"
Potatoes	..	..	0 1 6	"
Turnips	..	..	0 1 6	"
Flour	..	..	2 5 0	per barrel,
Beef	..	..	0 0 3½	per lb.
Pork	..	..	0 0 4	"
Mutton	..	..	0 0 4	"
Fowls	..	..	0 2 0	per pair,
Ducks	..	..	0 2 6	"
Geese	..	..	0 2 0	each,
Turkies	..	..	0 4 0	"
Wild Fowl	..	..		
Partridges	..	..	0 0 5	"
Blue winged Ducks	..	..	0 2 6	per pair,
Geese	..	..	0 3 0	each,
Venison	..	..		
Dry Fish	..	..	0 15 0	per quintal,
Pickled Herrings	..	..	1 0 0	per barrel,
Mackerel	..	..	1 10 0	"
Salmon	..	..	3 0 0	"
Cows	..	..	5 0 0	each,
Oxen	..	..	6 0 0	"
Horses	..	..	12 0 0	"
Hogs	..	..	1 10 0	"
Sheep	..	..	0 12 6	"
Hay	..	..	2 10 0	per ton.

4th—"Opinion as to the best kinds of settlers for Cape Breton, (labourers and agriculturalists,) country, age, and necessary capital for settling."

A great portion of the waste land at the disposal of the Crown in this island is now overspread by unauthorized settlers, very poor emigrants, principally from the Islands and Highlands of Scotland, having from six to thirty acres each cleared of wood and under-grass, with a log cabin and stable, which improvements the greater number of these settlers would gladly sell for £20 or £50. It is considered that the best settlers, at the present day, would be agriculturists from England, Scotland, or Ireland, accustomed to regular field labour, and having each a capital of about £100. Hitherto persons of this description would not have succeeded so well, having to commence by cutting down the forest, and performing the laborious work incidental to men beginning in the wilderness, to which European agriculturists are unused. Now, however, they can purchase the patches of cultivated land from the rough pioneers who have preceded them, which will enable them at once to keep a small stock of cattle, afford them shelter, and give them time to extend their clearings in the forest at their convenience. With the remainder of their small funds they will purchase cattle, and such provisions as will be wanted till they harvest their own crops. They can obtain grants of 100 or 200 acres each, including the cultivated spots purchased from the first occupants, on payment of the upset price of two shillings and sixpence the acre; and the poor settlers whose improvements they bought, would, in most instances, also purchase from the Crown other lands with the money received for their improvements.

Thus a double purpose would be effected by encouraging the influx of settlers with small capital. The present irregular occupation of the Crown lands would be gradually abated, without hardship to the settlers; and the country would become peopled by better farmers, bringing with them habits of industry, and applying their agricultural knowledge to the general benefit of the island.

The age most desirable for such settlers would be between twenty-five and forty, and they should be married persons.

Labourers are much wanted by the few who can afford to employ them. The rate of wages is three shillings a day, without board or lodging, or three pounds a month, with it. Those obtaining three pounds a month during the summer are often reduced to work during the winter months for their board and lodging only. The wages given by the year to men servants are £20 or £30, with board, &c.; to women, £6 and £9.

When agriculturists of the class recommended shall fix their residence in Cape Breton, a proportionate number of labourers will also be required, who would not, however, long remain such, while land can be had at the cheap rate now customary.

5th—"Have many persons left the island after residing there some time?"

It is understood that very few of the families who have at any time settled on land in Cape Breton, have prematurely deserted the island. A year or two ago many persons from Cape Breton, and from Nova Scotia, removed to the United States and to Upper Canada, being discouraged by a succession of unfavourable seasons in the island; but the greater part are stated to have returned, having experienced that political troubles, sickness, and overmuch hard labour, in the countries to which they fled, were worse evils than the climate they sought to avoid.

or Cape Breton,
necessary capital

of the Crown in
a, very poor emi-
Scotland, having
cler-grass, with a
number of these
ered that the best
s from England,
our, and having
this description
by cutting down
to men beginning
e unused. Now,
d land from the
ble them at once
give them time to
ence. With the
e, and such pro-
rops. They can
cultivated spots
set price of two
whose improve-
chase from the
provements.

ing the influx of
cupation of the
p to the settlers;
s, bringing with
al knowledge to

etween twenty-

ford to employ
thout board or
ng three pounds
ring the winter
iven by the year
men, £6 and £9.
ll fix their resi-
rers will also be
hile land can be

re some time !"
re at any time
ted the island.
d from Nova
ada, being dis-
land ; but the
red that politi-
e countries to
ght to avoid.

Irish labourers are almost the only class of persons who quit the island after residing in it for some time. They do not often settle on land, but hire themselves at the mines, or to private individuals, as servants, for a time, and then resort to the United States, where the climate takes off numbers of them.

The French inhabitants never remove. They form by far the most numerous and industrious class of fishermen and ship builders in this island, of which their ancestors were the sole European inhabitants before the British occupation.

There still exists a remnant of the Aboriginal population, generally termed Indians ; probably about three hundred persons. With the view of preserving these few descendants of the Micmac Nation from extinction, reservations of certain tracts of the Crown lands have been made ; but it is with the greatest difficulty that they can be kept from the encroachments of the Scotch settlers.

6th—" Capabilities of each county, agricultural or otherwise, population, and extent ?"

The island is divided into the counties of Cape Breton, of Richmond, and of Inverness.

The county of Cape Breton, comprising the eastern half of the island, contains a large proportion of good land for cultivation ; also nearly all the coal fields that have been worked, and the excellent harbours of Sydney, Louisbourg, St. Anne's, and Great Bras d'Or, capable of receiving line-of-battle ships, besides the lesser ports of Langan, Menadou, Lorau, Gabarus, Little Bras d'Or, Aspy Bay, &c. used by fishing craft. In it is situate the town of Sydney, formerly the seat of the insular government, and the chief place of export for coals, being also of all the ports of North America,—excepting those of Newfoundland,—the nearest to Great Britain, and, therefore, in these two respects, the most commodious for steam communication across the Atlantic, from May to December, or January. Langan, or Bridgeport, is the second place of export for coals, and the third is at the Little Bras d'Or. The principal fishing stations in this county are Menadou and Aspy Bay. Its capabilities for prosecuting the fisheries are not exceeded any where. The harbours are safe, and convenient, and ample ; the fishing grounds close at hand. This coast is indeed resorted to by the fishermen from all quarters, a great distance from their homes. That the fisheries are not so extensively prosecuted by the inhabitants of the country themselves arises from the circumstance of the fishermen,—who are chiefly French,—being located in other parts, to which they have become attached, and where their possessions lie.

With a sufficient number of persons accustomed to the pursuit, fisheries could be carried on at Louisbourg, Sydney, the Bras d'Or, and St. Anne's, with greater natural advantages than in other parts of the island.

The soil of a great portion of this county is, as already stated, excellent, and the markets at the several mining stations are convenient for the farmer. There are also facilities for shipping produce to Halifax and St. John's, Newfoundland, many vessels being owned by the inhabitants, and engaged in trade to these ports. The northern part of this county, from St. Anne's Harbour to Aspy Bay, is, in the interior, mountainous, and but little known.

CAPE B.

**

There is much land in this county in the state before recommended for farmers possessing a little ready money, and also much that would suit persons of more ample means, being cultivated to a greater extent, and the proprietors having obtained titles from the Crown, many of whom would sell their farms for what would be esteemed a small sum by persons accustomed to the European prices of landed property.

The rivers Baddock and Whykokomagh, in this county, are bordered by tracts of intervale land, flooded in spring and autumn, and very fertile.

The inhabitants in the neighbourhood of Sydney are of English or Irish origin. There are a few French in the Bras d'Or, but nearly all the rest are Scotch.

Extent of the county, 2,490 square miles.

The county of Richmond, containing the southern portion of the Island, and the dependency of Isle Matane, is the least of the three, but yet contains a considerable portion of good land; and the harbours of Arichat, St. Peter's Petit Degrat, Descousse, Ardouise, River Bourgeois, Grand River, Archevêque, Basin of Inhabitants, and Ship harbour, though not so capacious as those in the first county, afford great facilities for trade and the fisheries, of which the town of Arichat, in Isle Madame is the focus. The best fishing localities are occupied by inhabitants of French origin, and those adapted to farming by Scotch settlers principally.

The river Inhabitants, in this county affords some fine intervale land; and there are many situations adapted to settlers of the sort above recommended.

Extent of the county, 680 square miles.

The county of Inverness lies along the whole western side of the Island from the Strait of Causo to Cape St. Lawrence, containing a great body of fertile land, but affording few harbours, those of Port Hood, Margarite and Cheticamp, being nearly all. Port Hood is a tolerably capacious and secure harbour. A town plot is there laid off, on which is situated a village, where the county courts are held. A great deal of land in this county is available for settlers of the description above named. Wheat, oats, cattle, potatoes and other produce are exported to Halifax and St. John's.

The Strait of Canso, in this county, is the great thoroughfare between the Canadas and the West Indies, United States, and the provinces of Nova Scotia and New Brunswick, furnishing admirable stations for mercantile establishments.

There is good intervale land on the rivers Judique, Mabon and Marguerite, and their branches. The latter streams issue from a large lake. The lake and upper part of the river are settled by Scotch, but the lower part of Marguerite, and the sea coast from its mouth to the harbour of Cheticamp, is one of the oldest and largest French settlements. These people are divided in their occupation, between fishing and agriculture.

Extent of the county, 1,370 square miles.

All the three counties contain a portion of the Bras d'Or Lake, an inland sea, connected with the ocean by the two inlets of the Great and Little Bras d'Or. This sheet of water is salt. It receives the rivers Baddeck, Wagamatkook, and St. Deny's. Its shores are covered with Scotch settlers, enjoying the advantages of fishing in the immediate vicinity of their farms. Excellent fish are taken throughout the winter season also. The Bras d'Or accessible to ships of the largest class, and is capable of sheltering the united navies of the world. Throughout the

Bras d'Or, and indeed in every part of the country, are favorable situations for mills and machinery ; also timber and every requisite for ship-building.

The population of each separate county cannot be exactly stated, without more investigation than time will allow. That of the whole Island is considered to be 45,000, estimating it from the militia returns of men able to bear arms and between the ages of sixteen and sixty, which amount, nearly to 8,000.

7th.—“ Observations on any points that would tend to advance the “ settlement of wild land, and lead to the improvement of the country.”

An influx of agriculturists with small capital, as suggested already, would tend greatly to the settlement and amelioration of the land, in the manner before pointed out. The introduction of capital to aid the fisheries, in some proportion to that which has been devoted to the mines, would increase their produce to an extent scarcely to be calculated ; to the great advantage of the country generally. Not only is the introduction of capital, a consideration for improving the fisheries ; the protection of Government is also loudly called for. The catch of fish has been gradually failing, which is attributed to the practices of the United States fishermen, who, in violation of the stipulations of treaties, approach the shores at night with their vessels, and throwing bait into the sea, sail away at the approach of morning, drawing off the fish from the inner banks

Roads are very greatly needed for encouraging the settlement of the wild lands at a distance from the coast. There is no part of the province so deficient in this respect ; and this leads to a mention of what is considered by the inhabitants their chief grievance, and great obstacles to improvement of every kind. The unequal representation of the Island in the Legislature of the Province, ever since the destruction of its own government, and annexation to that of Nova Scotia. The Island in extent and population is one-fourth of the whole province, and much more in natural resources and intrinsic value. Yet the representation, even now, is but five members out of forty-nine, and it has been much less.

Cape Breton pays into the Provincial Treasury, annually, about £15,000 in taxes and revenues from the mines ; and receives in return, for all its exigencies, including roads, bridges and officers' salaries, a yearly grant of less than £3,000. It is clear that the Island has not a due preponderance in the Assembly. The inhabitants naturally conclude, that if they had the separate government of which they were deprived, £15,000, instead of £3,000, would be disbursed in the Island, and conduce in many ways to its prosperity, besides opening the roads. They also point to the fact, that Cape Breton was free from public debt. That by making it part of Nova Scotia, the people became partakers in the debt of that province, £80,000. They further complain that the measure was altogether illegal, depriving them of their political rights ; in which opinion they have the concurrence of the most eminent lawyers.

8th.—“ Remarks on the defects of the existing system in granting or “ disposing of wild lands.”

Unless the system be very defective, it may be the wiser course to tolerate than to change. Frequent changes have been one of the impediments to settlers in this Island, where correct information of any kind is with

difficulty circulated, roads and communication with the secluded settlements being rare. Thus many emigrants have at different times set themselves down on wild lands, with the understanding, that they could, on certain terms obtain titles for their farms, and have been perplexed and disappointed by a change of measures, before they were ready to apply for or complete their grants.

On the introduction of the present system, fears were entertained that it would occasion large tracts to be bought up on speculation, and sold in detail at high prices, to the discouragement of poor settlers. This evil, however, has not occurred : and if the provisional regulations, hitherto observed in Cape Breton, be sanctioned and continued, it is doubtful if a change for another system would benefit the Island. With the approbation of the Lieutenant Governor, the Commissioners have always refused applications for the purchase of Crown lands, on which individuals were settled, although without permission, except in the case of those individuals, being themselves the purchasers. This rule obviates all unnecessary hardship on the poorer class of unauthorised settlers, while such of them as are in better circumstances, are not left without sufficient inducement to obtain titles to their land, by purchases from the Crown ; because they can, in no other way deter or prevent trespassers. Applicants for the purchase of Crown lands on which they have been some time settled, are permitted to purchase at private sale, at the upset price of Crown lands in this Island, two shilling's and sixpence the acre.

With these precautions, the present system does not bear hard on any class in Cape Breton ; and at the same time, it holds out some excitement to industry. Were the settlers able to obtain grants gratis, or for a mere trifle, the ill effect would soon be apparent in the decrease of industrious habits. Many of the settlers would be content to exert themselves no further than would suffice to procure them a bare subsistence. Such a disposition is too common even now.

It may be well to mention, that the unauthorized occupation of the Crown lands so general in the Island, is the effect of a want of strictness in former times. No invasion of the Crown property is encouraged at the present day.

9th—" Remarks on the roads, and suggestions for a better system, if " the existing one is not perfect ?"

The greatest deficiency in this department is, as already stated, in the annual grants of money for roads and bridges, which have never yet amounted to £2000 a-year for the whole island.

The fault next in importance is not confined to Cape Breton, but is common to the whole Province. The road monies are apportioned, and the commissioners for laying them out recommended by the members of Assembly in each county. The honourable members are but men, and cannot be expected to be free from a leaning to appoint those persons who support them at elections. A shopkeeper or tavernkeeper is not the fittest man for a road commissioner. Some of them are known to have put the money in their pockets, by employing as labourers only such persons as were in their debt. They are employed as long as the nominal day's work will go toward paying the debt. It is needless to expatiate on this system. No person is authorised to take cognizance of the conduct of the road commissioners.

The want of knowledge and a deficiency of tools are another defect,

secluded settle-
times set them-
t they could, on
perplexed and
ready to apply for

entertained that
ion, and sold in
ters. This evil,
lations, hitherto
it is doubtful if
With the appro-
ve always refused
individuals were
of those individu-
s all unnecessary
hile such of them
cient inducement
vn; because they
pplicants for the
time settled, are
of Crown lands

bear hard on any
out some excite-
nts gratis, or for
e decrease of in-
t to exert them-
bare subsistence.

ecupation of the
ant of strictness
encouraged at the

better system, if
ready stated, in
have never yet

e Breton, but is
apportioned, and
the members of
are but men, and
nt those persons
ernkeeper is not
m are known to
s labourers only
d as long as the
t is needless to
ke cognizance of

another defect,

and an impediment in the way of such road commissioners as may be really desirous of discharging their trust faithfully. Another fault is, that properly qualified persons are not always employed for the road surveys; nor are the plans of those surveys always preserved and deposited where they would be useful and accessible.

As regards a remedy in these matters, it is presumed that the deficiency in the road grants can only be supplied by giving the island its rightful proportion of representatives, or by restoring its local government. The ineffectual mode of applying the road monies might be discontinued, and the Lieutenant Governor might apportion such sums out of the general grant, and appoint for commissioners such persons as should be recommended by the resident magistrates and respectable landed proprietors in the several counties. But these remedies are not to be looked for in the usual course of provincial legislation.

The road surveys, and the construction and improvement of the roads and bridges, would perhaps be best ordered by a well qualified person as supervisor for each county, or district of several counties, whose sole duty it should be to direct the several road commissioners, and enforce the proper application of the money.

The plans of the road surveys would, for obvious reasons, be best placed in the office of the Surveyor General, and in those of his deputies.

10th.—“Are the surveys in Cape Breton satisfactory, and do they afford security to settlers; and on what plan are they conducted?”

The surveys in Cape Breton have always been most unsatisfactory; indeed but few plans of general surveys exist. The plans in the Surveyor General's office have mostly been compiled from partial surveys, made at different times, by various persons, and agreeing so ill with each other that it is difficult to connect them. Here again the want of funds is felt. The sale of the Crown lands has not produced a surplus, after paying the expenses of executing the grants, and it is in vain to expect a supply from the provincial legislature to effect the necessary general surveys in Cape Breton. A glance at the map will show how intricately the island is intersected by water, and therefore how indispensable such surveys are. For want of them the unavoidable, but very exceptionable method has been, to survey each lot only when it is applied for, and when the expense of the survey is met by the payment of the purchase money of the land; or, as in former times, by the applicant paying the surveyor himself. Regularity is, of course, out of the question in such circumstances, and to preserve the various grants of land from interfering with each other very difficult.

The accompanying map of the island is very correct, for a performance on so small a scale, but can be of little use in dividing the country into lots. It is supposed to have been reduced from plans of a general survey made by the French Government, but of which survey no other memorial remains in the island.

Not a township, nor even a county boundary line, has yet been traced in Cape Breton. Of course great confusion is inevitable in law proceedings relating to landed property, and in criminal prosecutions also, it being often impossible to ascertain in what jurisdiction the illegal acts were committed.

It is estimated that about 800,000 acres of land, capable of cultivation, are remaining at the disposal of the Crown on this island, and, in-
CAPR B.

cluding mountainous tracts, &c. about one million; of which quantity a great proportion, and of the best quality, and most advantageously situated, is already overspread with settlers, many altogether unauthorised, and many having provisional, or imperfect titles, as licenses, tickets, warrants, &c. It is therefore evident how important it is still, to obtain correct general surveys, for the due subdivision of this extent of Crown land, if not for the determination of grants already made.

AREA OF THE ISLAND.

The whole area included by the line of sea coast, about	3,000,000 acres
Deduct for the space occupied by the interior waters,	1,000,000 do
There remains of land alone	2,000,000 do
Deduct for mountains, barren tracts, small lakes, &c. &c.	500,000 do
There remains of land fit for agricultural purposes,	1,500,000 do
Of which has been granted or sold, about	700,000 do
There remains, of land fit for cultivation, at the disposal of the Crown,	800,000 do
And, adding the 500,000 acres of mountaineous land, there remains at the disposal of the Crown, of land of every description,	1,300,000 do

From the statement already given respecting surveys, it will be readily understood that the estimate of the land contained in the island can only be received as an approximation to the truth. The deduction for the inland waters is perhaps too large. On the other hand, the total contents are probably overrated at three millions of acres. These two errors counterbalancing each other, the results may not be materially affected by either.

H. W. CRAWLEY,
Comr. Crown Lands, Cape Breton.

Sydney, C. B. 17th October, 1838.

TABLE OF CONTENTS.

LOWER CANADA.

	Page.
JOHN DAVIDSON, Esq. one of the Commissioners of Crown Lands in Lower Canada, ...	1
The same, ...	40
JAMES HASTINGS KERR, Esq.	27
GEORGE HERMAN RYLAND, Esq. Assistant Clerk, Executive Council, ..	41
T. A. STAYNER, Esq. Deputy Post Master General, P. N. A. ..	43
Mr. ANDREW RUSSELL, ...	49
CHARLES FRANKLIN HEAD, Esq. Major in the Army ..	56
The Honorable DOMINICK DALY, Secretary and Registrar of the Province, and Member of the Executive Council, ..	59
ROBERT CHRISTIE, Esq. of Ristigouche, ...	61
HENRY LE MESURIER, Esq.	65
JAMES BELL FORSYTH, Esq.	67
Mr. PATRICK DALY, Land Surveyor, ...	70
The Honorable JONATHAN SEWELL, Chief Justice of Lower Canada, ..	73
A. C. BUCHANAN, Esq. Chief Agent for Emigrants ..	76
JOSEPH SKEY, Esq. M. D. Inspector General of Hospitals ..	79
HENRY JESSOPP, Esq. Collector of Customs, ...	83
JOSEPH MORRIN, Esq. M. D.	87
CHARLES POOLE, Esq. M. D.	90
Reverend EDMUND WILLOUGHBY SEWELL, ...	96
AUGUSTIN NORBERT MORIN, Esq.	96
Mr. JOHN LANGEVIN '	103
APPENDIX to Evidence for Lower Canada, Returns, &c. &c. ..	106 to 136

UPPER CANADA.

JOHN RADENHURST, Esq. Chief Clerk Surveyor Genl's. Office, ..	1
RICHARD HILL THORNHILL, Esq. Chief Clerk in the Crown Lands Office, ...	17
CHARLES SHIRREFF, Esq.	27
Honorable R. B. SULLIVAN, Member Executive Council, ..	29
ANTY. BOWDEN HAWKE, Esq. Chief Agent for Emigrants in Upper Canada, ...	36
CHAS. RANKIN, Esq. Deputy Land Surveyor, ...	42
W. W. BALDWIN, Esq. M. D. formerly M. P. P.	44
GEORGE STRANG BOULTON, Esq. M. P. P.	47
HENRY HINDMAN, Esq.	51
W. B. ROBINSON, Esq. M. P. P.	54
The Honorable and Venble. Archdeacon STRACHAN, ...	58
Rev. EGERTON RYERSON, Wesleyan Minister, ...	60
Rev. W. T. LYNCH, Minister Church of Scotland, ...	61
Rev. R. H. THORNTON, United Secession Church, ...	62
Rev. W. STUART, United Synod Presbyterian Church, ...	63
Rev. JOHN ROOF, Member Congregational Church, ...	64
Right Rev. ALEX. MACDONALD, Bishop of Regiopolis, ...	65
APPENDIX to Evidence for Upper Canada, ...	66 to 83

NOVA SCOTIA.

	Page.
I. S. MORRIS, Esq.	1
Sir RUPERT GEORGE, Secretary of the Province, ...	10
Mr. SILAS SMITH, ...	18
J. W. NUTTING, Esq. Commissioner Court of Escheat, (See Note)	26
RICHARD BROWN, Esq. Mining Engineer, ...	33
Mr. JAMES MCKENZIE, Surveyor General's Office, ...	38
CHAS. W. WALLACE, Esq.	42
JOHN FAIRBANKS, Esq.	44
LAWRENCE HARTSHORN, Esq.	46
WILLIAM LAWSON, Esq.	47
The Revd. Archdeacon WILLIS, of N. Scotia, ...	42
The Honorable S. CUNARD, ...	51
GEORGE YOUNG, Esq.	52
APPENDIX, ...	.. 53 to 74

NEW BRUNSWICK.

The Honorable THOMAS BAILLIE, ...	1
The Honorable GEORGE SHORE, ...	16
The Venerable ARCH. DEACON COSTER, ...	21
The Honorable T. C. LEE, Receiver General, ...	23
JAMES ROBB, M. D. Professor Natural History, ...	24
R. HAYNE, Comms. N. B. and N. S. Land Company, ...	29
J. A. MacLaughlan, Esq.	34
C. P. WETMORE, Esq. Clerk House of Assembly, ...	36
W. J. BEDILL, ...	38
H. B. RAINSFORD, ...	39
MR. BECKWITH, ...	41
MR. W. J. BERTON, ...	44
APPENDIX, ...	.. 46 to 80

PRINCE EDWARD ISLAND.

JOHN WENDIOR LE LACHEUR, Esq.	1
His Excellency Sir CHARLES FITZ ROY, ...	6
ROBERT HODGSON, ...	7
THOS. HAVILAND, Esq. Treasurer of the Province, ...	10
JOHN LAWSON, Solicitor General, ...	13
J. S. DEELY, Esq.	15
GEORGE WRIGHT, Esq. Surveyor General, ...	18
G. R. GOODMAN, Esq. Collector of the Customs, ...	21
APPENDIX, ...	.. 22 to 31

CAPE BRETON.

Various Statements transmitted in answer to Queries from Major Head, ...	1 to 10
--	---------

N. B.—In the Evidence respecting Nova Scotia, it will be observed that the numbers, or folios of Pages 25, 26, 27 and 28, have, by mistake, been repeated; the latter pages should have been numbered 29, 30, 31 and 32, comprehending *J. W. Nutting's* evidence, and an apparent gap between folios 28 and 33 is thus occasioned.

	Page.
..	1
..	10
..	18
(See Note)	26
..	33
..	38
..	42
..	44
..	46
..	47
..	42
..	51
..	52
..	53 to 74

..	1
..	16
..	21
..	23
..	24
..	29
..	34
..	36
..	38
..	39
..	41
..	44
..	46 to 80

..	1
..	6
..	7
..	10
..	13
..	15
..	18
..	21
..	22 to 31

om Major
1 to 10

that the numbers,
; the latter pages
Nutting's evidence,